

# Index

## **ABANDONMENT OR EARLY TERMINATION**

Generally, **10:103-10:107**  
Bankruptcy, abandonment of estate  
property, **20:276**  
Government subsidized housing,  
New York State programs,  
**19:222**  
Lofts, **18:171-18:173**  
Mitigation of damages, **10:105-  
10:107**  
Possession of property, constructive  
eviction, **8:36**

## **ABATEMENT OF RENT**

Article 7-A proceedings, **16:120**  
**Nonpayment Proceedings** (this  
index)  
**Rent Strikes** (this index)  
Warranty of habitability, **8:31, 9:107,  
14:396**

## **ACCELERATION OF PAYMENT**

**Rent and Other Charges** (this  
index)

## **ACCESS**

Lease agreements, **4:198-4:200**  
**Lofts** (this index)  
Manufactured home parks, **2:157,  
4:200**  
Premises liability, security against  
crime, **12:28**  
Rent control and rent stabilization,  
**11:398, 11:446**  
**Termination of Lease** (this index)

## **ACCORD AND SATISFACTION**

Nonpayment proceedings, **14:364,  
14:365**  
Security deposits, **7:28**

## **ACCOUNTING**

Rent strikes, **16:35-16:37**

## **ACCOUNT STATED**

Attorneys' fees and costs, **1:110**

## **ACQUIRED IMMUNE DEFICIENCY SYNDROME**

**AIDS** (this index)

## **ADA**

**Americans With Disabilities Act**  
(this index)

## **ADIRONDACK PARK ACT**

Environmental liability, **12:158**

## **ADJOINING SPACE**

Description of premises, **4:50-4:53**

## **ADJOURNMENTS**

Article 7-A proceedings, **16:100**  
Nonpayment proceedings, hearing  
and trial, **14:453-14:456**

## **ADMINISTRATIVE**

### **PROCEEDINGS**

Generally, **17:1-17:181**  
Attorney General, commencement of  
proceeding before Division of  
Housing and Community  
Renewal, **17:4**  
Best evidence rule, **17:34**  
Burden of proof, **17:35**  
Commencement of adjudicatory  
proceeding, **17:1-17:4**  
Complete record, **17:24-17:26**  
Conflicting evidence, **17:37**  
Deference to agency interpretation,  
**17:21**  
Discretionary hearings before Divi-  
sion of Housing and Community  
Renewal, **17:19**  
Division of Housing and Community  
Renewal, commencement of  
proceeding before, **17:2-17:4**  
Due process, **17:14**  
Evidence  
generally, **17:23-17:42**

## ADMINISTRATIVE

### PROCEEDINGS—Cont'd

- Evidence—Cont'd
  - best evidence rule, **17:34**
  - burden of proof, **17:35**
  - complete record, **17:24-17:26**
  - conflicting evidence, **17:37**
  - firsthand knowledge, agency witnesses must have, **17:40**
  - hearing officer must review all evidence, **17:39-17:41**
  - hearsay evidence, **17:30-17:33**
  - inadequate record annuls agency decision, **17:26**
  - inferences, **17:38**
  - presumption of validity, **17:42**
  - substantial evidence, **17:28, 17:29, 17:32**
  - technical rules of evidence, **17:27**
  - unsworn hearsay documentation, **17:33**
  - weight and sufficiency, **17:36-17:38**
- Fair trial requirement, **17:13**
- Federal regulation, exceptions, **17:176**
- Final opportunity to be heard, **17:44**
- Firsthand knowledge, agency witnesses must have, **17:40**
- Full and fair opportunity to contest prior decision, *res judicata*, **17:50**
- Hearing officer must review all evidence, **17:39-17:41**
- Hearings
  - generally, **17:11-17:19**
  - discretionary hearings before Division of Housing and Community Renewal, **17:19**
  - due process, **17:14**
  - fair trial requirement, **17:13**
  - informal hearing, **17:12-17:14**
  - minimum standards, **17:15-17:17**
  - notice, **17:6**
  - prejudice to party, divestiture of jurisdiction, **17:16**
  - reasonable time requirement, **17:17**

## ADMINISTRATIVE

### PROCEEDINGS—Cont'd

- Hearings—Cont'd
  - record, insufficiency for failure to conduct hearing, **17:18**
- Hearsay evidence, **17:30-17:33**
- Inferences, **17:38**
- Informal hearing, **17:12-17:14**
- Notice
  - generally, **17:5-17:10**
  - Division of Housing and Community Renewal proceedings, **17:8-17:10**
  - hearing, **17:6**
  - local rent administrator, actions by, **17:10**
  - service of notice, **17:7**
  - time to answer, Division of Housing and Community Renewal proceedings, **17:9**
- Opportunity to be heard, **17:43-17:45**
- Petition for Administrative Review** (this index)
- Prejudice to party, divestiture of jurisdiction, **17:16**
- Presumption of validity, **17:42**
- Record, insufficiency for failure to conduct hearing, **17:18**
- Relation back to original complaint, *res judicata*, **17:48**
- Res judicata*
  - generally, **17:46-17:50**
  - administrative determination binding on agency, **17:47**
  - full and fair opportunity to contest prior decision, **17:50**
  - participants in dispute, impact not limited to, **17:49**
  - relation back to original complaint, **17:48**
- Service of notice, **17:7**
- Standard of review, **17:20-17:22**
- Substantial evidence, **17:28, 17:29, 17:32**
- Technical rules of evidence, **17:27**
- Time to answer, Division of Housing and Community Renewal proceedings, **17:9**

## INDEX

### ADMINISTRATIVE

#### PROCEEDINGS—Cont'd

Unsworn hearsay documentation,  
**17:33**

### ADULT CARE FACILITIES, SENIOR CITIZENS ENTERING

Generally, **2:171, 2:174, 3:99-3:101,  
13:154-13:157**

Penalties for interference by landlord,  
**13:156**

Procedure for termination of lease,  
**13:155**

Waiver of statutory protection,  
**13:157**

### ADVANCE PAYMENT

Rent and other charges, **6:6**

### ADVERTISING

Fair Housing Act, **5:31**

Human Rights Law (NY), **5:78**

Human Rights Law (NYC), **5:114**

### ADVISORY OPINIONS

Rent control and rent stabilization,  
**11:500**

### AGE DISCRIMINATION

Generally, **5:161-5:168**

**Discrimination** (this index)

Eviction of elderly persons, **5:164-  
5:167**

Human Rights Law (NY), **5:88**

Nursing homes, residence in, **5:166,  
5:167**

Religious exemption from fair hous-  
ing rules, **5:168**

Rent regulation, **5:165, 5:166**

Senior housing exemptions, **5:162,  
5:163**

### AGENTS

Lease agreements, **4:45**

Parties to lease agreements, **4:39**

Termination of lease, **13:9, 13:10**

### AGGRIEVED PERSONS

Petition for administrative review,  
**17:53**

### AGREEMENTS

**Contracts and Agreements** (this  
index)

### AIDS

Disabled persons, discrimination  
against, **5:178, 5:183**

Premises liability, failure to disclose  
that owner or former occupant  
infected with, **12:208**

### AIR CONDITIONERS AND AIR CONDITIONING

Rent control and rent stabilization,  
**11:248-11:251**

Warranty of habitability, **9:35**

### AIR POLLUTION PREVENTION AND CONTROL ACT

Generally, **12:139-12:141**

Hazardous air pollutants, defined,  
**12:140**

Strict liability, **12:141**

### AMENDMENTS

Lease agreements, **4:187, 4:188**

Lofts, **18:28, 18:29, 18:79**

### AMERICANS WITH DISABILITIES ACT

Generally, **5:60 et seq.**

Condition of premises, inspections,  
**4:166**

Dormitories as public accommoda-  
tions, **5:63**

Halfway houses, **5:64**

Homeless shelters, **5:64**

Hotels, **5:65**

Inns, **5:65**

Motels, **5:65**

Notice disclosing tenant's rights to  
reasonable accommodations,  
**4:359**

Public accommodations, **5:61 et seq.**

Rehabilitation Act, compared, **5:59**

Remedies. **Discrimination** (this  
index)

**Rent and Other Charges** (this  
index)

Residential apartments, **5:62**

Rooming houses, exemption of, **5:66**

**AMOUNT OF RENT**

**Rent and Other Charges** (this index)

**ANCESTRY DISCRIMINATION**

**Nation Origin or Ancestry Discrimination** (this index)

**ANCILLARY RELIEF**

Article 78 proceedings, **17:170**

**ANCILLARY SERVICES**

Rent control and rent stabilization, **11:384**

**ANIMALS**

**Emotional Support Animals** (this index)

**Pets** (this index)

**ANNULMENT OF LEASE**

Article 7-A proceedings, **16:125**

**ANSWERS**

**Article 7-A Proceedings** (this index)

Article 78 proceedings, specificity, **17:155**

**Holdover Proceedings** (this index)

**Lofts** (this index)

**Nonpayment Proceedings** (this index)

**APPEAL AND REVIEW**

**Bankruptcy** (this index)

**Lofts**, **18:26-18:30**

**Petition for Administrative Review** (this index)

“Poor person” proceedings, **16:352, 16:353**

Rent control and rent stabilization, **11:130, 11:221**

**APPOINTMENT OF ADMINISTRATOR**

**Article 7-A Proceedings** (this index)

**APPOINTMENT OF BANKRUPTCY JUDGES AND TRUSTEES**

**Bankruptcy** (this index)

**APPROVAL**

**Consent or Approval** (this index)

**ARBITRARY AND CAPRICIOUS ACTIONS**

Article 78 proceedings, **17:135-17:137**

**ARBITRATION**

Lease agreements, **4:268, 4:269**

Options, **4:301**

**ARCHITECTS**

Lofts, rent regulation, **18:116**

**ARTICLE 7-A PROCEEDINGS**

Generally, **16:44-16:170**

Abatements of rent, entitlement of tenants to, **16:120**

Adjournments, time periods for, **16:100**

Annulment of lease, **16:125**

Answers

generally, **16:87-16:97**

causation of conditions by tenants, **16:91**

defenses, **16:89-16:97**

economic infeasibility, **16:94, 16:95**

entry or access, refusal of, **16:92**

filing of answer, **16:88**

futility, **16:96, 16:97**

good intentions, **16:97**

nonexistent or remedied conditions, **16:90**

nonstatutory defenses, **16:93-16:97**

reply, **16:98**

statutory defenses, **16:89-16:92**

Applicability, **16:45**

Appointment of administrator

generally, **16:106-16:125**

abatements of rent, entitlement of tenants to, **16:120**

annulment of lease, **16:125**

criteria for individual’s appointment, **16:110**

drastic remedy, **16:49**

form, verified petition to appoint administrator, **16:463**

functions of administrator, **16:114-16:125**

increases in rent, **16:122**

## INDEX

### ARTICLE 7-A PROCEEDINGS

#### —Cont'd

Appointment of administrator  
—Cont'd  
list of administrators, **16:112, 16:113**  
loans to remedy conditions, **16:116**  
New York City, persons who may be appointed, **16:108, 16:109**  
persons who may be appointed, **16:107-16:109**  
plan of correction, **16:117**  
proceeds in excess of lawful rent, collection of, **16:119**  
reasonable manner, administrator must fail to perform in, **16:121**  
remedy of conditions, **16:115-16:117**  
rent collection and legal proceedings, **16:118-16:122**  
renting or leasing, **16:123-16:125**  
rules and regulations, **16:111-16:113**  
terms of lease, **16:124**  
when administrator should not be appointed, **16:155, 16:156**  
Attorneys' fees  
generally, **16:166-16:170**  
landlord, entitlement of, **16:167, 16:168**  
tenants, entitlement of, **16:169, 16:170**  
Causation of conditions by tenants, **16:91**  
City as owner, **16:56**  
Co-existence of administrator and receiver  
generally, **16:145-16:149**  
administrator as receiver, **16:148**  
comparison of functions, **16:146**  
naming and/or serving receiver as respondent, **16:147**  
warranty of habitability, assertion against receiver, **16:149**  
Compromise of accounts. Presentation or settlement of accounts, below  
Conflicting statutes, **16:48**

### ARTICLE 7-A PROCEEDINGS

#### —Cont'd

Consent to removal of administrator, **16:158**  
Correction of conditions, application following trial  
generally, **16:102-16:105**  
distribution of posted security, **16:105**  
owner or other interested party, corrective compliance by, **16:103**  
repairs not diligently effected, **16:104, 16:105**  
Criminal proceeding against administrator, **16:164**  
Defenses, **16:89-16:97**  
Deleterious conditions as grounds for proceeding, **16:62**  
Discharge of administrator  
generally, **16:157-16:160**  
consent to removal, **16:158**  
failure to perform duties, **16:159, 16:160**  
Distribution of posted security, **16:105**  
Division of Housing and Community Renewal  
generally, **16:126-16:133**  
failure to maintain services, **16:127**  
harassment, **16:133**  
overcharges, **16:129, 16:130**  
refunds, judgments, and treble damages for overcharges, **16:130**  
rent registration, **16:131**  
rent restorations, **16:128**  
vacate orders, **16:132**  
Due diligence, service of notice of petition and petition, **16:79**  
Duration of conditions, **16:67, 16:68**  
Economic infeasibility, **16:94, 16:95**  
Entry or access, refusal of, **16:92**  
Estate as owner, **16:57**  
Estimate of correction costs, **16:75**  
Filing of answer, **16:88**  
Filing pleadings and proofs of service, **16:84**

## ARTICLE 7-A PROCEEDINGS

### —Cont'd

Forms  
     notice of petition for deposit of  
         rents, **16:462**  
     verification, **16:464**  
     verified petition to appoint  
         administrator, **16:463**  
 Futility, **16:96, 16:97**  
 Good intentions, **16:97**  
 Grounds for maintaining action,  
     **16:61-16:64**  
 Harassment, **16:133**  
 Historical context, **16:46-16:50**  
 Housing Code, multiple violations of,  
     **16:63, 16:64**  
 Identity of parties, **16:73, 16:74**  
 Increases in rent, **16:122**  
 Intervention, **16:86, 16:151-16:154**  
 Itemization of receipts and  
     expenditures, **16:138**  
 Judgments, **16:101, 16:130**  
 Judicial responsibility in New York  
     City  
     generally, **16:162-16:165**  
     criminal proceeding against  
         administrator, **16:164**  
     limitation on judicial appointment  
         authority, **16:163**  
     waiver clauses unenforceable,  
         **16:165**  
 Liberal construction, **16:47**  
 Lienors, service on, **16:82**  
 List of administrators, **16:112, 16:113**  
 Loans to remedy conditions, **16:116**  
 Managing agent, service on, **16:81**  
 Mortgagees, service on, **16:82**  
 “Nail and mail,” service of notice of  
     petition and petition, **16:83**  
 Nonexistent or remedied conditions,  
     **16:90**  
 Notice of petition, **16:71, 16:462**  
 Notice to nonpetitioning tenants,  
     **16:85, 16:86**  
 One-third of building’s tenants, fail-  
     ure to proffer, **16:54**  
 Overcharges, **16:129, 16:130**  
 Owners, defined, **16:55-16:60**  
 Payment priorities, **16:134, 16:135**

## ARTICLE 7-A PROCEEDINGS

### —Cont'd

Permissive intervention by  
     subsequent purchaser, **16:154**  
 Petitioners, **16:52**  
 Petitions  
     generally, **16:72-16:75**  
     estimate of correction costs, **16:75**  
     identity of parties, **16:73, 16:74**  
     service of notice of petition and  
         petition, below  
 Plan of correction, **16:117**  
 Pleadings  
     generally, **16:70-16:98**  
     answers, above  
     intervention by nonpetitioning ten-  
         ants, **16:86**  
     notice of petition, **16:71**  
     notice to nonpetitioning tenants,  
         **16:85, 16:86**  
     petitions, above  
     reply, **16:98**  
     service of notice of petition and  
         petition, below  
 Presentation or settlement of  
     accounts  
     generally, **16:137-16:144**  
     itemization of receipts and  
         expenditures, **16:138**  
     owner and administrator,  
         distinguished, **16:142**  
     review of account by court, **16:139**  
     rights of owner once administrator  
         is appointed, **16:143, 16:144**  
     service of motion, **16:141**  
 Priority of payments, **16:134, 16:135**  
 Proceeds in excess of lawful rent,  
     collection of, **16:119**  
 Reappointment of administrator,  
     **16:161**  
 Reasonable manner, administrator  
     must fail to perform in, **16:121**  
 Receiver as owner, **16:58, 16:59**  
 Refunds for overcharges, **16:130**  
 Registered managing agent as owner,  
     **16:60**  
 Remedy of conditions, **16:115-**  
     **16:117**

## INDEX

### ARTICLE 7-A PROCEEDINGS

#### —Cont'd

- Rent collection and legal proceedings, **16:118-16:122**
- Reply, **16:98**
- Review of account by court, **16:139**
- Rules and regulations, **16:111-16:113**
- Service of motion, presentation or settlement of accounts, **16:141**
- Service of notice of petition and petition
  - generally, **16:76-16:84**
  - due diligence, defined, **16:79**
  - filing pleadings and proofs of service, **16:84**
  - managing agent, service on, **16:81**
  - methods of service, **16:78-16:84**
  - mortgagees or lienors, service on, **16:82**
  - “nail and mail,” **16:83**
  - substituted service, **16:80, 16:81**
  - timing of service, **16:77**
- Settlement of accounts. Presentation or settlement of accounts, above
- Standing, **16:53**
- Statutory threshold, **16:51-16:60**
- Subsequent purchaser, intervention by, **16:152-16:154**
- Substituted service, **16:80, 16:81**
- Successor owner, administrator and, **16:150**
- Terms of lease, **16:124**
- Timing of service, **16:77**
- Treble damages for overcharges, **16:130**
- Trial, **16:99**
- Undertaking, posting of, **16:136**
- Vacate orders, **16:132**
- Venue, **16:69**
- Verification, **16:464**
- Waiver clauses unenforceable, **16:165**
- Warranty of habitability, assertion against receiver, **16:149**
- Withholding of rents, **16:65, 16:66**

### ARTICLE 78 PROCEEDINGS

- Generally, **17:107-17:181**
- Ancillary relief, stay as, **17:170**

### ARTICLE 78 PROCEEDINGS

#### —Cont'd

- Answer must be specific, **17:155**
- Arbitrary and capricious action, **17:135-17:137**
- Attorneys' fees, **17:174**
- Class action alternative, prohibition proceeding, **17:112**
- Collateral estoppel, **17:179-17:181**
- Deemed denial of PAR, **17:120-17:122**
- Deference to agency determination, **17:132, 17:133**
- De novo review, **17:129, 17:168**
- Dismissal of proceeding, **17:177, 17:178**
- Division of Housing and Community Renewal, service on, **17:148, 17:149**
- Evidentiary standards, **17:130**
- Evidentiary support required if triable issue of fact alleged, **17:158**
- Exhaustion of administrative remedies, **17:114-17:119**
- Federal regulation, exceptions, **17:176**
- Final determination of PAR, mandamus proceeding to compel, **17:110**
- Impact requirement, exhaustion of administrative remedies, **17:116-17:118**
- Incidental monetary relief, **17:173-17:175**
- Judgments
  - generally, **17:171-17:181**
  - attorneys' fees, **17:174**
  - dismissal of proceeding, **17:177, 17:178**
  - grant of initial or complete relief to petitioner, **17:172-17:175**
  - incidental monetary relief, **17:173-17:175**
  - lost profits, **17:175**
  - res judicata and collateral estoppel, **17:179-17:181**
- Judicial review
  - generally, **17:113-17:141**



## ARTICLE 78 PROCEEDINGS

### —Cont'd

Judicial review—Cont'd  
 arbitrary and capricious action, **17:135-17:137**  
 beyond grant of powers, exhaustion of administrative remedies, **17:119**  
 commencement of statute of limitations, **17:126, 17:127**  
 deemed denial of PAR, **17:120-17:122**  
 deference to agency determination, **17:132, 17:133**  
 de novo review, **17:129**  
 evidentiary standards, **17:130**  
 exhaustion of administrative remedies, **17:114-17:119**  
 final administrative determination, exhaustion of administrative remedies, **17:115**  
 final determination on merits, deemed denial of PAR, **17:122**  
 grounds for judicial review, **17:134-17:141**  
 impact requirement, exhaustion of administrative remedies, **17:116-17:118**  
 legal residuum rule, **17:140**  
 ninety days, PAR deemed denied after, **17:121**  
 quasi judicial proceedings, substantial evidence, **17:141**  
 scope of review, **17:128-17:130**  
 standard of review, **17:131-17:141**  
 statute of limitations, **17:123-17:127**  
 substantial evidence, **17:138-17:141**  
 ultra vires agency determination, **17:133**  
 unreasonable agency delay, **17:136**  
 unruly meeting, **17:137**  
 whole record rule, **17:139**  
 Jurisdiction, **17:109, 17:143**  
 Legal residuum rule, **17:140**  
 Litigation of proceeding, **17:142-17:181**

## ARTICLE 78 PROCEEDINGS

### —Cont'd

Lost profits, **17:175**  
 Mail, service by, **17:151**  
 Mandamus proceeding to compel action, **17:108-17:110**  
 New matter in answer, **17:163**  
 New York City Loft Board, service on, **17:150**  
 Ninety days, PAR deemed denied after, **17:121**  
 Objection in point of law, **17:159, 17:160**  
 Party seeking review, **17:144**  
 Pleadings  
     generally, **17:153-17:163**  
     answer must be specific, **17:155**  
     evidentiary support required if triable issue of fact alleged, **17:158**  
     failure to state cause of action, **17:160**  
     motion to dismiss prior to answer, **17:161, 17:162**  
     new matter in answer, **17:163**  
     objection in point of law, **17:159, 17:160**  
     service of reply, **17:157**  
     submission of record, **17:156**  
     verified pleadings, **17:154**  
 Prohibition proceeding, **17:111, 17:112**  
 Purpose, **17:107**  
 Quasi judicial proceedings, substantial evidence, **17:141**  
 Res judicata, **17:179-17:181**  
 Scope of review, **17:128-17:130**  
 Service of process  
     generally, **17:145-17:152**  
     Division of Housing and Community Renewal, service on, **17:148, 17:149**  
     mail, service by, **17:151**  
     New York City Loft Board, service on, **17:150**  
     petition and notice of petition required to confer jurisdiction, **17:152**



## INDEX

### ARTICLE 78 PROCEEDINGS

#### —Cont'd

- Service of process—Cont'd
  - time for service of petition,  
**17:145, 17:146**
- Service of reply, **17:157**
- Standard of review, **17:131-17:141**
- Statute of limitations, **17:123-17:127**
- Stay of proceedings or enforcement,  
**17:169, 17:170**
- Submission of record, **17:156**
- Substantial evidence, **17:138-17:141, 17:166**
- Time for service of petition, **17:145, 17:146**
- Transfer to Appellate Division
  - generally, **17:164-17:168**
  - analysis, **17:165**
  - de novo review, **17:168**
  - mere allegations insufficient to trigger transfer, **17:167**
  - substantial evidence questions must relate to facts, **17:166**
- Ultra vires agency determination,  
**17:133**
- Unruly meeting, **17:137**
- Verified pleadings, **17:154**
- Whole record rule, **17:139**

### ASBESTOS

- Generally, **12:92-12:99**
- Asbestos containing material,
  - defined, **12:93**
- Federal law, **12:95**
- Friable, defined, **12:94**
- New York City law, **12:97, 12:98**
- New York State law, **12:96**
- Penalties, **12:99**
- Rent control and rent stabilization,  
**11:273**
- Warranty of habitability, **9:36**

### ASSIGNMENTS

- Bankruptcy** (this index)
- Subleases and Assignments** (this index)

### ATTACHMENTS

- Nonpayment proceedings, New York City Section 8 tenants, **14:140**

### ATTORNEY-CLIENT PRIVILEGE

- Generally, **1:21-1:24**
- Confidence and secret, distinguished,  
**1:23**
- Exceptions, **1:24**
- Necessity of attorney-client relationship, **1:22**

### ATTORNEY GENERAL

- Administrative proceedings, commencement before Division of Housing and Community Renewal, **17:4**
- Rent control and rent stabilization, standing to sue for practices which violate rent-regulation laws, **11:22, 11:23**
- Security deposits, standing to sue,  
**7:44**

### ATTORNEYS

- Attorney-Client Privilege** (this index)
- Attorney General** (this index)
- Attorneys' Fees and Costs** (this index)
- Communication with client, **1:149-1:152**
- Competence of Attorney** (this index)
- Contempt, **16:329**
- Counseling as to Alternatives** (this index)
- Damages, malpractice, **1:155**
- Fair Debt Collection Practices Act** (this index)
- Frivolous Conduct** (this index)
- Holdover Proceedings** (this index)
- Initial Client Meeting** (this index)
- Liability of attorney
  - generally, **1:153-1:165**
  - agents retained by attorney, acts of,  
**1:175**
  - damages, malpractice, **1:155**
- Fair Debt Collection Practices Act** (this index)
  - malpractice, **1:154, 1:155**
  - New York Consumer Protection Act, **1:174**
- Malpractice, **1:154, 1:155**

**ATTORNEYS—Cont'd**

**Negotiations** (this index)  
 New York Consumer Protection Act, **1:174**  
**Nonpayment Proceedings** (this index)  
 “Of counsel” designation, **1:56**  
**“Poor Person” Proceedings** (this index)  
 Privileged communications.  
     **Attorney-Client Privilege** (this index)  
**Pro Se Litigants** (this index)  
 Termination of lease, **13:9, 13:10**  
 Updating of attorney by client, **1:150, 1:151**  
 Verification  
     defects in, **15:459**  
     form, **15:656**  
     petition, **15:293**

**ATTORNEYS’ FEES AND COSTS**

Generally, **1:69-1:111, 1:177, 4:242-4:261**  
 Account stated, recovery based on, **1:110**  
 Advance notice of intent to recover fees may not be required, **15:640**  
 Agreement on fees  
     generally, **1:92-1:103**  
     charging liens, **1:102**  
     consensual withdrawal by attorney, **1:96**  
     form, sample hourly rate fee agreement, **1:177**  
     nonconsensual withdrawal by attorney, **1:97**  
     nonexclusive nature of remedy, **1:103**  
     recovery of fees upon termination of representation, **1:98**  
     retainer fees, **1:104**  
     retaining liens, **1:101**  
     specific provisions, **1:94**  
     termination of representation, **1:95-1:98**  
 Alternative fees, **1:79**  
 American rule, **15:631**

**ATTORNEYS’ FEES AND COSTS**  
**—Cont'd**

Any dispute arising out of lease obligations, **4:250-4:252**  
**Article 7-A Proceedings** (this index)  
 Article 78 proceedings, **17:174**  
 Bankruptcy, imposing attorneys’ fees for abusive debtor practices, **20:25**  
 Billings. Client billings and fee payments, below  
 Bona fides of party’s claim or defense is not dispositive, **15:638**  
 Change in law as defense, prevailing party, **4:246**  
 Charging liens, **1:102**  
 Children, discrimination against, **4:258**  
 Client billings and fee payments  
     generally, **1:105-1:110**  
     account stated, recovery based on, **1:110**  
     disclosure of billing records, **1:108**  
     discovery of fee agreement, **1:109**  
     issuance of invoices and/or billing statements, **1:106**  
     suspension of services for unpaid bills, **1:107**  
 Combined fee agreements, **1:78**  
 Commercial tenants must negotiate right to legal fees, **15:633**  
 Consent of client to division of fees among attorneys, **1:86, 1:87**  
 Contempt, **16:344**  
 Contingency fees, **1:73, 4:247**  
 Costs arrangements, **1:89-1:91**  
 Counterclaims, **15:369**  
 Disclosure of billing records, **1:108**  
 Discovery of fee agreement, **1:109**  
 Discrimination, **4:258, 5:102, 5:214, 5:215**  
 Dispute resolution, **1:111**  
 Division of fees among attorneys, **1:85-1:88**  
 Entitlement predicated on “ultimate outcome,” **15:641**  
 Ethical limits on fees, **1:81-1:83**  
 Federal civil rights litigation, **4:259**

## INDEX

### ATTORNEYS' FEES AND COSTS

#### —Cont'd

Fees on fees, **4:256**  
“Fees on fees” provisions, **1:77**  
Flat fees, **1:72**  
Form, hourly rate, **1:177**  
Form, sample hourly rate fee agreement, **1:177**  
Holdover proceeding, generally, **15:631-15:639**  
**Holdover Proceedings** (this index)  
Hourly fees, **1:71, 1:177**  
HP proceedings, **16:307**  
Identity of prevailing party, **4:249**  
“Illegal” fees, **1:83**  
Interest on unpaid fees, **1:104**  
Lease agreement, **4:281**  
Legal services litigants, **4:254**  
Limits on fees  
    generally, **1:80-1:88**  
    consent of client to division of fees among attorneys, **1:86, 1:87**  
    division of fees among attorneys, **1:85-1:88**  
    ethical limits, **1:81-1:81**  
    “illegal” fees, **1:83**  
    non-attorneys, division of fees with, **1:88**  
    third party payments, **1:84**  
**Nonpayment Proceedings** (this index)  
Nonrefundable retainers, **1:75**  
Prevailing party, **15:635, 15:637**  
    generally, **4:243-4:249**  
    change in law as defense, **4:246**  
    contingent fees, **4:247**  
    identity of prevailing party, **4:249**  
    landlord, recovery by, **4:248**  
    retroactive application to residential leases, **4:244**  
    waiver of entitlement to fees, **4:245**  
Proceedings resolved by stipulation, **15:639**  
Pro se litigants, **4:254**  
“Reasonable” amount, **4:255, 4:256**  
Reciprocal nature of recovery, **4:252**

### ATTORNEYS' FEES AND COSTS

#### —Cont'd

Rent control and rent stabilization, **4:261, 11:200, 11:368-11:370**  
Residential tenants have reciprocal rights, **15:632**  
Retainer fees, **1:74-1:77, 1:100**  
Retaining liens, **1:101**  
Retaliatory actions, **4:260**  
Same action or proceeding requirement, **4:253**  
Section 8 tenants, **14:507, 15:643**  
Statutory fee awards, **4:257-4:260**  
Statutory tenancies, **15:634**  
Suspension of services for unpaid bills, **1:107**  
Termination of representation, **1:95-1:98**  
Third parties, liability of attorney for costs, **1:91**  
Third party payments, **1:84**  
Trust account, deposit of retainer in, **1:76**  
Validity of lease, **4:251**  
Waiver of entitlement to fees, **4:245**  
Warranty of habitability, **8:34, 9:114, 9:116, 14:396**

### AT-WILL OR AT-SUFFERANCE TENANCIES

Generally, **2:110, 2:111, 2:115-2:117**  
**Termination of Lease** (this index)

### AUDITS AND AUDITORS

Lofts, rent regulation, **18:117-18:120**  
Rent and other charges, operational and common area maintenance expenses, **4:103**

### AUTHORIZED OCCUPANTS

**Lease Agreements** (this index)

### AUTOMATIC STAY, BANKRUPTCY

**Bankruptcy** (this index)

### BAD FAITH

**Good Faith** (this index)

### BANKRUPTCY

Generally, **20:1-20:406**

**BANKRUPTCY—Cont’d**

Abandonment of estate property,  
**20:276**

Abstention from hearing certain cases  
generally, **20:50**  
abstention provisions implicate  
question of whether to  
exercise jurisdiction, **20:51**  
adversary proceeding regarding  
state landlord-tenant law,  
**20:54**  
appealability of bankruptcy court’s  
abstention decision, **20:56**  
compare, equitable grounds war-  
ranting remand, **20:55**  
factors relevant to bankruptcy  
court’s decision whether to  
abstain, **20:52**  
State-court eviction proceedings,  
**20:53**

Abuse of chapter 7 provisions,  
**20:139-20:143**

Abusive debtor practices  
awarding sanctions for, **20:25**  
imposing attorneys’ fees for, **20:25**  
imposing remedies for, **20:24**

Adversary proceeding regarding state  
landlord-tenant law, abstention  
from hearing, **20:54**

Allowance of “administrative  
expenses”  
generally, **20:251**  
commercial tenant need not show  
benefit to estate, **20:255**,  
**20:256**  
definition of “administrative  
expenses,” **20:252**  
future rent claims arising out of  
assumed lease, **20:257**  
involuntary case “gap creditors,”  
**20:256**  
narrowly construed, **20:254**  
postpetition rental payments,  
subtracting from  
post-rejection cap, **20:260**  
post-rejection cap, subtracting  
postpetition rental payments  
from, **20:260**

**BANKRUPTCY—Cont’d**

Allowance of “administrative  
expenses”—Cont’d  
post-rejection rent as priority,  
**20:258, 20:259**  
priority in distribution, **20:253**,  
**20:256**  
priority of claims and expenses,  
**20:262**  
secured claims, determination of,  
**20:261**

Appeals to district court  
generally, **20:59**  
abstention from hearing certain  
cases decision, appealability  
of, **20:56**  
de novo review district court  
review of bankruptcy court’s  
core/noncore determination,  
**20:48**  
plenary review by Court of  
Appeals, **20:61**  
procedure, appellate, **20:60**  
stay pending appeal, standards,  
**20:62**

Appearance and representation, Rule  
9010, **20:81**

Appointment of bankruptcy judges  
generally, **20:6**  
assessment of need for bankruptcy  
judges, **20:9**  
dispute as to appointment, **20:11**

Judicial Conference  
assessment of need for bank-  
ruptcy judges, **20:9**  
recommendations, **20:8**

NY State’s districts and judges,  
**20:7**

recommendations of Judicial  
Conference, **20:8**

removal of bankruptcy judge,  
**20:13**

serving in proximate districts,  
**20:12**

terms of appointment, **20:10**

Appointment of bankruptcy trustee  
assistant US trustee, **20:65**  
standing trustee, **20:72**  
US trustee, **20:64**

## INDEX

### **BANKRUPTCY—Cont'd**

- Assessment of need for bankruptcy judges, Judicial Conference's, **20:9**
- Assignment of unexpired lease, notwithstanding prohibition or restriction
  - generally, **20:374**
  - exceptions of right to assign lease, **20:377**
  - liability for rent while trustee, debtor, and estate are relieved of liability, **20:375**
  - security deposit requirement, **20:376**
- Assignments and subleases, **10:152, 20:344, 20:370**
- Assistant US trustee, appointment of, **20:65**
- Assumption or rejection of unexpired leases
  - generally, **20:327**
  - acceptance of rent by landlord after lease, **20:363**
  - allowance of future rent claims arising out of, **20:257**
  - assignment of lease
    - notwithstanding prohibition or restriction, **20:374-20:377**
    - prohibitions on, **20:337**
    - time issues, **20:370**
  - BAPCPA of 2005, applicability of, **20:370**
  - business judgment rule, applying, **20:333**
  - cause to extend time for assuming or rejecting lease, defined, **20:356**
  - chapter 7 trustee, residential lease, **20:355**
  - chapter 11 or 13 case, residential lease, **20:352-20:353**
  - conflict over whether unexpired leases need be executory, **20:329**
  - contingent on "cure" or "adequate assurance" of "prompt cure" of default
    - generally, **20:339-20:350**

### **BANKRUPTCY—Cont'd**

- Assumption or rejection of unexpired leases—Cont'd
  - contingent on "cure" or "adequate assurance" of "prompt cure" of default—Cont'd
    - adequate assurance of future performance, defined, **20:342**
    - adequate assurance of prompt cure, defined, **20:340-20:341**
    - certain lease defaults exempt from cure requirement, **20:349**
    - compensation of landlord's actual pecuniary loss, **20:347-20:348, 20:349**
  - definitions
    - adequate assurance of future performance, **20:342**
    - adequate assurance of prompt cure, **20:340-20:341**
    - shopping center, **20:346**
  - incidental services or supplies, lessor need not provide before assumption without compensation, **20:350**
  - shopping center leases
    - burden of proving complex is shopping center, landlord's, **20:345**
    - definition, shopping center, **20:346**
    - specific code requirements, **20:343**
- discretionary right, **20:332-20:333**
- effect of assumption, **20:334-20:336**
- effect of lease rejection, **20:378-20:381**
- enforceability of lease provisions, **20:335-20:336**
- estoppel as defense to statutory forfeiture, **20:364**
- extending time for assuming or rejecting lease, **20:356, 20:359**
- lessor debtor, effect of lease rejection on, **20:381**

**BANKRUPTCY—Cont'd**

Assumption or rejection of unexpired leases—Cont'd  
 motion required to assume lease, **20:357-20:364**  
 only “true” or “bona fide” leases may be assumed, **20:330-20:331**  
 order extending time for assuming or rejecting lease, **20:359, 20:360**  
 performance of commercial lease’s terms until assumption or rejection, **20:379-20:382**  
 precluding landlord from asserting lease rejected, **20:361-20:364**  
 prohibitions on lease assumption or assignment, **20:337**  
 purpose and effect of Code sections, **20:328, 20:329**  
 rent-stabilized and rent-controlled tenancies are “lease-based” and capable of being assumed or rejected, **20:338**  
 repudiate or terminate agreement, effect of lease rejection on, **20:379**  
 residential lease  
     chapter 7 case, **20:355**  
     chapter 11 or 13 case, **20:352-20:353**  
 res judicata effect lacking in subsequently filed bankruptcy case, **20:358**  
 shopping center leases, **20:343-20:346**  
 statutory forfeiture, estoppel as defense to, **20:364**  
 sublease rejection, resulting from prime lease rejection, **20:380**  
 subsequently filed bankruptcy case, debtor’s lease assumption lacks res judicata effect in, **20:358**  
 threshold inquiry into lease’s existence, **20:375-20:377**  
 time periods for assumption of lease  
     generally, **20:351-20:364**

**BANKRUPTCY—Cont'd**

Assumption or rejection of unexpired leases—Cont'd  
 time periods for assumption of lease—Cont'd  
     extending time for assuming or rejecting lease, “cause” defined, **20:356**  
     within 60 days after order for relief, generally, **20:354-20:364**  
 waiver, precluding landlord from asserting lease rejected, **20:362-20:364**  
 Attorneys’ fees imposed for abusive practices of debtor, **20:25**  
 Automatic stay  
     generally, **20:277-20:326**  
     appeals to district court, standards/procedure, **20:62**  
     bad faith filing furnishes cause to vacate stay, **20:382-20:387, 20:396**  
     BAPCPA of 2005, applicability of, **20:279-20:283**  
     certain actions or proceedings not stayed, **20:281**  
     certain actions stayed, **20:280**  
     commercial lease, **20:294-20:297**  
     damages available against “individuals” for willful violation, **20:292, 20:293**  
     defined, **20:278**  
     duration of stay, **20:282**  
     eviction efforts, **20:284**  
     expired commercial lease, inapplicability to, **20:294-20:297**  
     impacting lease and any pending litigation, **20:277**  
     jurisdiction for determining if action or proceeding stayed, **20:283**  
     no “self help” recourse against tenant, **20:285**  
     relief from automatic stay, below residential lease expired compared to commercial leases, **20:297**  
     security deposit “frozen”  
         generally, **20:286**

## INDEX

### **BANKRUPTCY—Cont'd**

#### **Automatic stay—Cont'd**

security deposit “frozen”—Cont'd  
landlord retains setoff rights,  
**20:287**

payment of security deposit to  
tenant not required, **20:291**

secured claim, treating deposit  
as, **20:290**

setoff entitlement, creditors'  
burden of proving, **20:289,**  
**20:290**

vacating stay to exercise right to  
apply security, **20:288**

serial filers' abusive practices, pro-  
spective relief as remedy,  
**20:396**

#### **setoff entitlement**

creditor has burden of proving,  
**20:289, 20:290**

landlord retains setoff rights,  
**20:287**

security deposit, treating as  
“secured” claim, **20:290**

#### **vacating stay**

bad faith filing furnishes cause  
to vacate stay, **20:382-**  
**20:387, 20:396**

exercising right to apply secu-  
rity, **20:288**

forms, below

willful violation, damages avail-  
able against “individuals” for,  
**20:292, 20:293**

**Bad faith filing by debtor as “cause”**  
to dismiss petition, convert case,  
or vacate automatic stay

generally, **20:382-20:396**

chapter 11 or 13 plan, must be  
proposed in good faith,  
**20:388-20:390**

compare, good faith inquiry on  
plan filing, **20:383**

encompasses both objective and  
subjective element, **20:384**

factors for determining “bad faith”  
filing, **20:385-20:387**

intent to frustrate creditors or col-  
laterally attack state-court

### **BANKRUPTCY—Cont'd**

**Bad faith filing by debtor as “cause”**  
to dismiss petition, convert case,  
or vacate automatic stay

—Cont'd  
judgment, conclusivity of,  
**20:386**

serial bankruptcy filings as  
“badge” of bad faith, **20:391-**  
**20:396**

### **Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (this index)**

**Bankruptcy court as court of equity,**  
**20:19, 20:20**

**Bankruptcy court as subordinate unit**  
of district court

generally, **20:4**

appointment of bankruptcy judges,  
above

chief bankruptcy judge, **20:15**

designation of bankruptcy courts,  
**20:5**

salaries and character of service of  
bankruptcy judges, **20:14**

staff of bankruptcy judges, **20:16**

**Bankruptcy court rules of procedure,**  
**20:78-20:81**

### **Bankruptcy Reform Act of 1978** (this index)

#### **Burden of proof**

relief from automatic stay, **20:321-**  
**20:324**

security deposit setoff, creditors'  
burden of proving entitle-  
ment, **20:289, 20:290**

shopping center, landlord's burden  
of proving complex is, **20:345**

**Business of debtor, authorization to**  
operate in Chapter 7 (Liquida-  
tion) case, **20:144**

#### **Case administration**

closing and reopening case, **20:229**  
conversion of case, effect of,

**20:227**

dismissal of case, effect of, **20:228**

employment of professional  
persons, below



**BANKRUPTCY—Cont'd**

Case administration—Cont'd

involuntary petition, filing  
ramifications, below

meeting of creditors and equity-  
security holders

generally, **20:224**

debtor examined at “341(a)  
Meeting,” **20:225**

Rule 2003 examination  
compared, **20:226**

miscellaneous aspects

generally, **20:207**

involuntary petition, filing  
ramifications, below

property use, sale or lease

generally, **20:230**

cash collateral

defined, **20:231**

generally, **20:230**

motion for authorization to  
use, **20:232**

cash collateral, defined, **20:231**

motion for authorization to use  
cash collateral, **20:232**

motion prohibiting or condition-  
ing, **20:232**

removal for “cause” (trustee or  
examiner), **20:218**

trustee or examiner, removal for  
“cause,” **20:218**

Change of venue of proceedings,  
**20:36**

Chapter 7 (Liquidation)

generally, **20:131-20:151**

authorization to operate debtor's  
business, **20:144**

conversion of chapter 7 case,  
**20:137**

creditors' committee, **20:136**

discharge

debts discharged, generally,  
**20:147**

effect of discharge, **20:151**

exception to debts discharged,  
**20:148**

impediments to debtor's dis-  
charge, **20:146**

**BANKRUPTCY—Cont'd**

Chapter 7 (Liquidation)—Cont'd

discharge—Cont'd

objection to discharge

considered, **20:149**

revocation of discharge possible,  
**20:150**

dismissal of chapter 7 case,  
**20:138-20:143**

distribution of estate property,  
**20:145**

impediments to debtor's discharge,  
**20:146**

interim trustee, **20:133**

trustee

generally, **20:134**

compare, chapter 11 and 13,  
**20:73**

duties, **20:135**

interim trustee, **20:133**

who may be chapter 7 debtor,  
**20:132**

Chapter 9, generally, **20:202**

Chapter 11 (Reorganization)

generally, **20:152**

appointment of trustee or examiner  
generally, **20:159**

authorization to operate busi-  
ness, **20:164**

duties, rights, and powers of  
debtor-in-possession,  
**20:167**

duties of examiner, **20:166**

duties of trustee, **20:163, 20:165**

duties of trustee and examiner,  
**20:165**

election of trustee, creditors',  
**20:160**

powers, rights, and duties of  
debtor-in-possession,  
**20:167**

rights, powers, and duties of  
debtor-in-possession,  
**20:167**

termination of trustee's appoint-  
ment, **20:162**

when examiner may be  
appointed, **20:161**

## INDEX

### **BANKRUPTCY—Cont'd**

#### Chapter 11 (Reorganization)—Cont'd

- conversion or dismissal of chapter 11 case, **20:169**
  - creditors' committee
    - generally, **20:156**
    - composition, **20:157**
    - powers and duties, **20:158**
  - debtor-in-possession
    - defined, **20:154**
    - duties, rights, and powers, **20:167**
  - discharge, exception to debts discharged, **20:148**
  - dismissal or conversion of chapter 11 case, **20:169**
  - plan of reorganization
    - generally, **20:170**
    - acceptance of plan, **20:176**
    - classification of claims and interests under plan, **20:173**
    - confirmation
      - effect of, **20:179**
      - hearing, **20:178**
      - revocation of order, **20:181**
    - contents of plan, **20:174**
    - effect of plan confirmation, **20:179**
    - exclusive filing period, **20:171**
    - impairment of claims and interests under plan, **20:175**
    - implementation of plan, **20:180**
    - modification of plan, **20:177**
    - must be proposed in good faith, **20:390**
    - revocation of confirmation order, **20:181**
    - small business debtors, special provisions for, **20:172**
  - rights, powers, and duties of debtor-in-possession, **20:167**
  - right to be heard, **20:168**
  - substantial consummation, defined, **20:155**
  - trustee, compare chapters 7, 11, 13, **20:73**
  - who may be chapter 11 debtor, **20:153**
- Chapter 12, generally, **20:202**

### **BANKRUPTCY—Cont'd**

#### Chapter 13 (adjustment of debts of individual with regular income)

- generally, **20:182**
- confirmation of plan
  - generally, **20:191**
  - effects of, **20:194**
  - hearing, **20:190**
  - modification of plan after confirmation, **20:196-20:200**
  - modification of plan before confirmation, **20:188**
  - payments under plan, **20:194**
- conversion or dismissal of chapter 13 case, **20:186**
- discharge, exception to debts discharged, **20:148**
- discharge of debtor, **20:195**
- dismissal or conversion of chapter 13 case, **20:186**
- disposable income, defined, **20:193**
- estate property remains with debtor, **20:185**
- modification of plan after confirmation
  - generally, **20:196**
  - compliance with Code, new plan requirement, **20:200**
  - requirements, **20:197-20:200**
  - substantial change, defined, **20:199**
  - unanticipated change, defined, **20:198**
- modification of plan before confirmation, **20:188**
- objections to plan
  - generally, **20:192**
  - disposable income, defined, **20:193**
- payments under plan, **20:194**
- plan
  - generally, **20:187**
  - confirmation, **20:191**
  - confirmation hearing, **20:190**
  - disposable income, defined, **20:193**
  - effects of plan confirmation, **20:194**

**BANKRUPTCY—Cont'd**

Chapter 13 (adjustment of debts of individual with regular income)  
—Cont'd  
plan—Cont'd  
modification before confirmation, **20:188**  
must be proposed in good faith, **20:389**  
objections to plan, **20:192, 20:193**  
payments under plan, **20:194**  
revocation of order of confirmation, **20:201**  
substantial change, modification of plan after confirmation, **20:199**  
trustee, **20:73, 20:184**  
unanticipated change, modification of plan after confirmation, **20:198**  
who may be chapter 13 debtor, **20:183**  
Chapters of US Code, organization and citation, **20:74-20:77**  
Character of service of bankruptcy judges, **20:14**  
Chief bankruptcy judge, **20:15**  
Citation of US Code chapters, **20:76**  
Claims against estate  
generally, **20:233**  
allowance of administrative expenses, above  
bar date, defined, **20:239**  
chapter 7 and 13 cases, **20:237**  
chapter 11 case, **20:238**  
court's reconsideration of claims allowed or disallowed, **20:250**  
effect of filing, **20:240**  
enforcement determination, **20:245**  
filing of proofs of claim or interests  
generally, **20:234**  
barred claims, **20:239, 20:241, 20:249**  
certain "informal" proofs of claim permitted, **20:235**  
chapter 7 and 13 cases, **20:237**  
chapter 11 case, **20:238**

**BANKRUPTCY—Cont'd**

Claims against estate—Cont'd  
filing of proofs of claim or interests—Cont'd  
effect of, **20:240**  
late claims may be barred, **20:241**  
time and place of filing  
generally, **20:236**  
bar date, defined, **20:239**  
chapter 7 and 13 cases, **20:237**  
chapter 11 case, **20:238**  
late claims may be barred, **20:241**  
rejection of unexpired lease, claim arising from, **20:249**  
involuntary case "gap creditors," **20:256**  
late claims may be barred, **20:239, 20:241**  
objection of timely-filed claims  
generally, **20:242**  
court determines "allowable" amount, **20:243-20:245**  
prima facie evidence of claim's validity and amount, **20:244**  
right to payment and enforcement of claim determination, **20:245**  
prima facie evidence of claim's validity and amount, **20:244**  
reconsideration of claims allowed or disallowed, **20:250**  
rejection of unexpired lease triggers "prepetition" claim, **20:246-20:249**  
right to payment determination, **20:245**  
timely-filed claims is "allowed" absent objection  
generally, **20:242**  
rejection of unexpired lease triggers "prepetition" claim, **20:246-20:249**  
upon objection court determines "allowable" amount,

## INDEX

### **BANKRUPTCY—Cont'd**

- Claims against estate—Cont'd
  - timely-filed claims is “allowed”
    - absent objection—Cont'd**20:243-20:245**
  - unexpired lease, rejection triggers “prepetition” claim, **20:246-20:249**
- Closing and reopening case, **20:229**
- Coequal jurisdiction unconstitutional, bankruptcy court’s, **20:3**
- Commencement date distinguished from “order for relief” and “petition date,” **20:117**
- Commercial lease
  - allowance of “administrative expenses,” **20:255, 20:256**
  - assumption or rejection of unexpired leases, **20:379-20:382**
  - automatic stay, **20:294-20:297**
  - performance of terms until assumption or rejection of lease, **20:379-20:382**
- Compare
  - abstention, equitable grounds triggering, **20:40**
  - core vs. noncore proceedings, **20:43**
  - remand, equitable grounds warranting, **20:55**
  - trustee under Chapter 7, 11, or 13, **20:73**
- Conversion of case, **20:137, 20:169, 20:186, 20:227**
- Cure of default, assumption or rejection of unexpired leases
  - contingent on “cure” or “adequate assurance” of “prompt cure” of default, **20:339-20:350**
- Current monthly income
  - defined, **20:141**
  - mandatory restrictions, **20:142**
  - permissible reductions, **20:143**
- Definitions
  - adequate assurance of future performance, **20:82, 20:342**
  - adequate assurance of prompt cure, **20:83, 20:340-20:341**

### **BANKRUPTCY—Cont'd**

- Definitions—Cont'd
  - adequate protection (bankruptcy, relief from automatic stay), **20:304**
  - administrative expense, **20:84**
  - administrative expenses, **20:252**
  - adversary proceedings, **20:85**
  - after notice and a hearing, **20:87**
  - allowed claim, **20:86**
  - arising under the Code, or arising in or related to case under Code
    - generally, **20:29**
    - abstention from hearing certain cases, **20:30**
  - automatic stay, **20:278**
  - bankruptcy “trustee,” **20:88**
  - BAPCPA, definitions under, **20:127**
  - case under the Code, **20:27**
  - cash collateral, **20:231**
  - cause (bankruptcy, relief from automatic stay), **20:302, 20:303**
  - claim
    - “Allowed” claim, **20:85**
    - “Claim,” **20:90**
    - “claim against the debtor,” **20:93**
    - “contingent claim,” **20:91**
    - “right to payment,” **20:92**
  - commencement date distinguished from “order for relief” and “petition date,” **20:117**
  - consumer debt, **20:94**
  - contested matters, **20:95-20:97**
  - contingent claim, **20:91**
  - creditor, **20:98-20:99**
  - cure, **20:100**
  - current monthly income, **20:141**
  - debt, **20:101**
  - debtor, **20:102**
  - debtor-in-possession, **20:154**
  - debtor’s principal residence, **20:129**
  - default, **20:103**
  - disposable income, **20:193**
  - entity, **20:104**

**BANKRUPTCY—Cont'd**

Definitions—Cont'd

equity security, **20:105**  
 equity security holder, **20:106**  
 estate property, **20:107**  
 estoppel, **20:20**  
 executory contract, **20:108**  
 incidental property, **20:130**  
 indenture, **20:109**  
 indenture trustee, **20:110**  
 individual with regular income, **20:111**  
 indubitable equivalent (bankruptcy, relief from automatic stay), **20:305**  
 involuntary case, **20:112, 20:113**  
 joint case, **20:114**  
 may not, **20:115**  
 order for relief, **20:116, 20:117**  
 party in interest, **20:118**  
 person, **20:119**  
 petition, **20:120**  
 petition date distinguished from “commencement date” and “order for relief,” **20:118**  
 proceedings arising under Code, or arising in or related to case under Code, **20:28**  
 prompt cure, **20:121**  
 proof of claim, **20:122, 20:123**  
 residence of debtor, principal, **20:129**  
 right to payment, **20:92**  
 serial bankruptcy filings, **20:392**  
 shopping center, **20:346**  
 single asset real estate, **20:124**  
 small business, **20:125**  
 substantial consummation, **20:155**  
 transfer, **20:126**  
 trustee  
     bankruptcy trustee, **20:88**  
     indenture trustee, **20:110**  
     US trustee, **20:89**  
     voluntary case, **20:128-20:130**  
 De novo review of bankruptcy court’s core/noncore determination, **20:48**

**BANKRUPTCY—Cont'd**

Designation of bankruptcy courts, **20:5**  
 Discharge  
     generally, **20:266**  
     effects of discharge, generally, **20:267**  
     restriction on enforcing dischargeable claim against debtor, **20:268**  
     tenant defense, **14:343**  
 Dismissal of chapter 7 case, **20:138-20:143**  
 Dispute as to appointment of bankruptcy judges, **20:11**  
 Duties and supervision of US trustee, **20:69-20:72**  
 Duties of debtor  
     generally, **20:263**  
     certain individual property as not estate property, **20:265**  
     effects of discharge, **20:267-20:268**  
     expired leases as not estate property, **20:264**  
 Employment of “professional persons”  
     generally, **20:219**  
     compensation limitations, **20:220**  
     compensation of officers, **20:221**  
     interim compensation, awarding, **20:222**  
     sharing compensation, prohibition, **20:223**  
 Equity powers of bankruptcy courts  
     awarding sanctions for abusive debtor practices, **20:25**  
     bankruptcy court as court of equity, **20:19, 20:20**  
     estoppel, defined, **20:20**  
     imposing attorneys’ fees for abusive debtor practices, **20:25**  
     imposing remedies for abusive debtor practices, **20:24**  
     limitation of equitable power, **20:21**  
     modify or vacate stipulations or prior orders, **20:22, 20:23**  
     nunc pro tunc orders, **20:23**

## INDEX

### **BANKRUPTCY—Cont'd**

- Equity powers of bankruptcy courts—Cont'd
  - nunc pro tunc orders, permitted as justice requires, **20:23**
- Estoppel, defined, **20:20**
- Eviction proceedings, **20:39**
- Eviction proceedings in state court, abstention from hearing, **20:53**
- Executory contracts
  - assumption or rejection of unexpired leases, above
- Fees
  - generally, **20:203**
  - filing fee, **20:204**
  - imposition of costs, **20:206**
  - quarterly fees payable to US trustee, **20:205**
- Fraudulent transfers and obligations
  - generally, **20:272-20:275**
  - avoiding transfer, trustee as “stand-in” for unsecured creditor, **20:275**
  - intent demonstrated by circumstances, **20:273**
  - jury trial, nonclaimant’s right to when trustee seeks reconveyance, **20:274**
- Future rent claims arising out of assumed lease, allowance of, **20:257**
- Historical perspective, **20:1**
- Imposing attorneys’ fees for abusive debtor practices, **20:25**
- Imposing remedies for abusive debtor practices, **20:24**
- Involuntary petition
  - generally, **20:208**
  - bond, petitioners may have to file, **20:211**
  - business, debtor continues to operate, **20:212**
  - chapter 7 case, trustee may be appointed, **20:213**
  - commencement requirements, **20:113**
  - court orders relief against debtor, **20:214**

### **BANKRUPTCY—Cont'd**

- Involuntary petition—Cont'd
  - creditor may join in petition, **20:209**
  - debtor may answer petition, **20:210**
  - defined, **20:112**
  - dismissal
    - costs and fees, court may award upon petition’s dismissal, **20:215**
    - grounds, **20:216, 20:217**
    - in the debtor’s and creditors’ interest, **20:217**
  - gap creditors, **20:256**
- Judges
  - appointment of, above
  - character of service of, **20:14**
  - chief bankruptcy judge, **20:15**
- Judicial Conference
  - assessment of need for bankruptcy judges, **20:9**
  - recommendations of bankruptcy judges, **20:8**
- Jurisdiction of bankruptcy courts and practices
  - generally, **20:26**
  - coequal jurisdiction unconstitutional, bankruptcy court’s, **20:3**
- definitions
  - “Arising under the Code” or arising in or related to case under Code
    - generally, **20:29**
    - abstention from hearing certain cases, **20:30**
  - “Case under the Code,” **20:27**
  - “Proceedings” arising under Code, or arising in or related to case under Code, **20:28**
- property, jurisdiction over, **20:31**
- venue, below
- Jury trial
  - fraudulent transfers and obligations, jury trial right when trustee seeks reconveyance, **20:274**

**BANKRUPTCY—Cont'd**

- Jury trial—Cont'd
  - procedures, **20:58**
  - right in personal injury and wrongful death, **20:35**
- Landlord-tenant law dispute, abstention from hearing adversary proceeding regarding state, **20:54**
- Lease agreements, **4:238, 10:152**
- Leases
  - agreement provisions, **4:238**
  - future rent claims, **20:248**
  - future rent claims arising out of assumed lease, allowance of, **20:257**
  - shopping center leases, **20:343-20:346**
  - unexpired lease, rejection triggers “prepetition” claim, **20:246-20:249**
- Limitation of equitable power of bankruptcy courts, **20:21**
- Modify stipulations or prior orders, **20:22, 20:23**
- Nunc pro tunc orders of bankruptcy courts, **20:23**
- NY State’s districts and judges, appointment of bankruptcy judges, **20:7**
- Office of trustee
  - generally, **20:66**
  - removal of trustee, **20:67**
  - vacancies in office of US trustee, **20:68**
- Order for relief
  - defined, **20:116, 20:117**
  - distinguished from “petition date” and “commencement date,” **20:118**
- Orders
  - modify stipulations or prior orders, **20:22, 20:23**
  - nunc pro tunc orders, **20:23**
- Petition date distinguished from “commencement date” and “order for relief,” **20:118**
- Plenary review by Court of Appeals, procedure, **20:61**

**BANKRUPTCY—Cont'd**

- Powers of bankruptcy courts
  - generally, **20:18**
  - abusive practices of debtor
    - awarding sanctions, **20:25**
    - imposing attorneys’ fees, **20:25**
    - imposing remedies for, **20:24**
  - attorneys’ fees imposed for abusive practices of debtor, **20:25**
  - equity power, above
  - estoppel, **20:19, 20:20**
  - limitation of equitable power, **20:21**
  - modify or vacate stipulations or prior orders, **20:22, 20:23**
  - nunc pro tunc orders, **20:23**
  - remedies imposed for abusive debtor practices, **20:24**
  - sanctions awarded for abusive debtor practices, **20:25**
- Preference avoidance
  - generally, **20:269-20:271**
  - current rent payments as not “preference,” **20:271**
  - policy goals, **20:270**
- Prima facie case, motion to vacate stay, **20:321-20:324**
- Prima facie evidence of claim’s validity and amount, **20:244**
- Procedures
  - generally, **20:41**
  - abstention from hearing certain cases
    - generally, **20:50**
    - abstention provisions implicate question of whether to exercise jurisdiction, **20:51**
  - adversary proceeding regarding state landlord-tenant law, **20:54**
  - appealability of bankruptcy court’s abstention decision, **20:56**
  - compare, equitable grounds warranting remand, **20:55**
  - factors relevant to bankruptcy court’s decision whether to abstain, **20:52**



## INDEX

### **BANKRUPTCY—Cont'd**

#### **Procedures—Cont'd**

- abstention from hearing certain cases—Cont'd
  - State-court eviction proceedings, **20:53**
- all cases under Code and all “core” proceedings, bankruptcy judges hear and determine generally, **20:42**
- core/noncore dichotomy is issue of law for bankruptcy court’s determination, **20:47**
- “core proceeding” defined, **20:44-20:45**
- “core proceeding” examples, **20:45**
- “core” vs. “noncore” distinction, **20:43**
- de novo review district court review of bankruptcy court’s core/noncore determination, **20:48**
- “noncore proceeding” defined, **20:46**
- appeals to district court generally, **20:59**
  - de novo review of bankruptcy court’s core/noncore determination, **20:48**
  - plenary review by Court of Appeals, **20:61**
  - procedure, appellate, **20:60**
  - stay pending appeal, standards, **20:62**
- appearance and representation, Rule 9010, **20:81**
- compare
  - “core” vs. “noncore” proceedings, **20:43**
  - equitable grounds warranting remand, **20:55**
- contested matters, **20:95-20:97**
- de novo review of bankruptcy court’s core/noncore determination, **20:48**
- jury trials, **20:58**
- motion, “contested matters” are brought by, **20:96**

### **BANKRUPTCY—Cont'd**

#### **Procedures—Cont'd**

- noncore proceeding otherwise related to Code case, bankruptcy judges may hear, **20:49**
- plenary review by Court of Appeals, **20:61**
- Rule 9010, appearance and representation, **20:81**
- rules of procedure, generally, **20:78-20:81**
- stay pending appeal, standards, **20:62**
- withdrawal of case or proceeding referred to bankruptcy court, district court’s, **20:57**
- Proof of claim
  - defined, **20:122**
  - simultaneous petitions prohibited, **20:123**
- Property of estate
  - abandonment, **20:276**
  - cash collateral, **20:230-20:232**
  - certain individual property as not estate property, **20:265**
  - effects of discharge, **20:267, 20:268**
  - expired leases as not estate property, **20:264**
  - fraudulent transfers and obligations, **20:272-20:275**
  - incidental property, defined, **20:130**
  - jurisdiction over, **20:31**
  - preference avoidance, **20:269-20:271**
  - restriction on enforcing dischargeable claim against debtor, **20:268**
  - use, sale, or lease of, **20:230-20:232**
- Recommendations of bankruptcy judges, Judicial Conference’s, **20:8**
- Reconsideration of claims allowed or disallowed, **20:250**
- Relief from automatic stay generally, **20:298-20:326**

**BANKRUPTCY—Cont'd**

Relief from automatic stay—Cont'd  
 burden of proof and prima facie  
 case on motion to vacate stay  
 generally, **20:321**  
 debtor's lack of equity, **20:322**  
 establishing lack of adequate  
 protection, **20:324**  
 for cause, **20:323-20:324**  
 condominium association and  
 cooperative corporation are  
 secured creditors  
 generally, **20:306**  
 additional basis of stay's  
 modification, **20:318-**  
**20:320**  
 bad faith filing of bankruptcy  
 petition as furnishing  
 "cause," **20:317**  
 desire to litigate in another  
 forum as "cause," **20:307-**  
**20:308**  
 equity and equity cushion,  
 defined, **20:319**  
 failure to pay postpetition rent as  
 furnishing "cause," **20:316**  
 necessary to an effective reorga-  
 nization, defined, **20:320**  
 state court judgment as furnish-  
 ing "cause," **20:309-**  
**20:310**  
 state court warrant of eviction as  
 furnishing "cause,"  
**20:311-20:315**  
 court's discretion to lift stay,  
**20:325**  
 date of termination of stay, **20:326**  
 definitions  
 adequate protection, **20:304**  
 cause, **20:302, 20:303**  
 indubitable equivalent, **20:305**  
 hearing unnecessary to prevent  
 "irreparable damage," **20:300**  
 indubitable equivalent, defined,  
**20:305**  
 motion, method, **20:299**  
 requirements for modification  
 generally, **20:301-20:304**

**BANKRUPTCY—Cont'd**

Relief from automatic stay—Cont'd  
 requirements for modification  
 —Cont'd  
 adequate protection, defined,  
**20:304**  
 for cause, not defined by Code,  
**20:302**  
 lack of "adequate protection"  
 furnishes "cause," **20:303-**  
**20:304**  
 serial filers' abusive practices, pro-  
 spective relief as remedy,  
**20:396**  
 Removal and remand of claims  
 related to bankruptcy  
 generally, **20:37**  
 compare, equitable grounds trig-  
 gering abstention, **20:40**  
 equitable decisions that warrant,  
**20:38**  
 eviction proceedings, **20:39**  
 Removal of bankruptcy judge, **20:13**  
 Removal of bankruptcy trustee, **20:67**  
 Rent and other charges, **10:124**  
 Reopening case, **20:229**  
 Representation and appearance, Rule  
 9010, **20:81**  
 Res judicata effect of assumption or  
 rejection of unexpired leases in  
 subsequently filed bankruptcy  
 case, **20:358**  
 Right to jury trials in personal injury  
 and wrongful death, **20:35**  
 Rule 9010, appearance and represen-  
 tation, **20:81**  
 Rules of procedure  
 generally, **20:77**  
 Rules of procedure, generally, **20:78-**  
**20:81**  
 Salaries of bankruptcy judges, **20:14**  
 Sanctions awarded for abusive debtor  
 practices, **20:25**  
 Secured claims, determination of,  
**20:261**  
 Security deposit, **20:286-20:291,**  
**20:376**  
 Serial bankruptcy filings as "badge"  
 of bad faith, **20:391-20:396**

## INDEX

### **BANKRUPTCY—Cont'd**

- Serving in proximate districts, bankruptcy judges, **20:12**
- Shopping center leases, assignment of, **20:344**
- Shopping center leases, assumption of
  - burden of proving complex is shopping center, landlord's, **20:345**
  - definition, shopping center, **20:346**
  - specific code requirements, **20:343**
- Staff of bankruptcy judges, **20:16**
- Standards of review
  - de novo review of bankruptcy court's core/noncore determination, **20:48**
  - plenary review by Court of Appeals, **20:61**
- Standing trustee, appointment of, **20:72**
- Subleases and assignments, **10:152**
- Substantial abuse of chapter 7 provisions, **20:139-20:143**
- Supervision of US trustee, **20:69-20:72**
- Term of bankruptcy judges, **20:10**
- Term of bankruptcy trustee, **20:64**
- Trustees
  - generally, **20:63**
  - appointment of trustee
    - assistant US trustee, **20:65**
    - standing trustee, **20:72**
    - US trustee, **20:64**
  - assistant trustee, appointment of, **20:65**
  - compare: Chapter 7, 11, or 13 trustee, **20:73**
  - duties and supervision of US trustee, **20:69-20:72**
  - indenture trustee, defined, **20:110**
  - interim trustee (Chapter 7, Liquidation), **20:133**
  - official stations
    - generally, **20:66**
    - removal of trustee, **20:67**
    - vacancies in office of US trustee, **20:68**
  - removal of trustee, **20:67**

### **BANKRUPTCY—Cont'd**

- Trustees—Cont'd
  - standing trustee, appointment of, **20:72**
  - supervision of US trustee, **20:69-20:72**
  - term of trustee, **20:64**
  - vacancies in office of US trustee, **20:68**
  - warranty of habitability, **9:24**
- Unconscionability, **10:23**
- Unexpired lease, rejection triggers "prepetition" claim, **20:246-20:249**
- Unexpired leases
  - assumption or rejection of unexpired leases, above
- US Code organization
  - generally, **20:74**
  - chapters, configuration, **20:75**
  - citation by chapter and section, **20:76**
  - Title 11, **20:74**
- US Code procedure, generally, **20:78-20:81**
- Vacancies in office of US trustee, **20:68**
- Vacate stipulations or prior orders, **20:22, 20:23**
- Venue of proceedings
  - "arising under the Code" or "arising in or related to a case under the Code"
    - generally, **20:33**
    - brought by bankruptcy trustee, **20:34**
    - change of venue, **20:36**
    - Code cases, venue of, **20:32**
  - Warranty of habitability, trustees', **9:24**
  - Withdrawal of case or proceeding referred to bankruptcy court, district court's, **20:57**

### **BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005**

Generally, **20:17**

**BANKRUPTCY ABUSE  
PREVENTION AND  
CONSUMER PROTECTION  
ACT OF 2005—Cont'd**

Assignment  
shopping center leases, **20:344**  
timing of, **20:370**  
Automatic stay, **20:279-20:283**  
Definitions, **20:127**  
incidental property, **20:130**  
residence of debtor, **20:129**  
Pending litigation, **20:279-20:283**  
Shopping center leases, assignment  
of, **20:344**

**BANKRUPTCY REFORM ACT OF  
1978**

Generally, **20:2**  
Appointment of bankruptcy judges  
generally, **20:6**  
dispute as to appointment, **20:11**  
Judicial Conference  
assessment of need for bank-  
ruptcy judges, **20:9**  
recommendations, **20:8**  
NY State's districts and judges,  
**20:7**  
removal of bankruptcy judge,  
**20:13**  
serving in proximate districts,  
**20:12**  
terms of appointment, **20:10**  
Assessment of need for bankruptcy  
judges, Judicial Conference's,  
**20:9**  
Character of service of bankruptcy  
judges, **20:14**  
Chief bankruptcy judge, **20:15**  
Coequal jurisdiction unconstitutional,  
bankruptcy court's, **20:3**  
Designation of bankruptcy courts,  
**20:5**  
Dispute as to appointment of bank-  
ruptcy judges, **20:11**  
Judicial Conference  
assessment of need for bankruptcy  
judges, **20:9**  
recommendations of bankruptcy  
judges, **20:8**

**BANKRUPTCY REFORM ACT OF  
1978—Cont'd**

NY State's districts and judges,  
appointment of bankruptcy  
judges, **20:7**  
Recommendations of bankruptcy  
judges, Judicial Conference's,  
**20:8**  
Removal of bankruptcy judge, **20:13**  
Salaries of bankruptcy judges, **20:14**  
Serving in proximate districts, bank-  
ruptcy judges, **20:12**  
Staff of bankruptcy judges, **20:16**  
Subordinate unit of district court,  
bankruptcy court is  
generally, **20:4**  
appointment of bankruptcy judges,  
above  
chief bankruptcy judge, **20:15**  
designation of bankruptcy courts,  
**20:5**  
salaries and character of service of  
bankruptcy judges, **20:14**  
staff of bankruptcy judges, **20:16**  
Terms of appointment of bankruptcy  
judges, **20:10**

**BED BUGS**

Warranty of habitability, **9:50**

**BEST EVIDENCE**

Administrative proceedings, **17:34**

**BIANNUAL MAXIMUM RENT  
ADJUSTMENTS IN NEW  
YORK CITY**

**Rent Control and Rent Stabiliza-  
tion** (this index)

**BILLINGS**

**Attorneys' Fees and Costs** (this  
index)

**BILL OF PARTICULARS**

Nonpayment proceedings, **14:415,**  
**14:416**

**BLIND PERSONS**

Human Rights Law (NY), nursing  
home discrimination, **5:92**

## INDEX

### **BLOCKBUSTING**

Human Rights Law (NY), **5:83**  
Human Rights Law (NYC), **5:116**

### **“BRAC” TAX**

Lofts, **18:30**

### **BURDEN OF PROOF**

**Presumptions and Burden of Proof**  
(this index)

### **BURGLARIES**

Warranty of habitability, **9:71**

### **BUZZERS**

Warranty of habitability, **9:69**

### **CALENDAR PRACTICE**

Nonpayment proceedings, **14:403**

### **CANCELLATION**

Lis pendens, **2:86**

### **CAPTIONS**

Nonpayment proceedings, **14:74,**  
**14:105, 14:224, 14:274-14:277**

### **CARBON-MONOXIDE DETECTORS**

Premises liability, **12:187**  
Warranty of habitability, **9:37**

### **CATS**

Nuisance, **13:99**

### **CAUSATION**

Article 7-A proceedings, **16:91**  
Premises liability, **12:26-12:28,**  
**12:50-12:53**

### **CAVEAT EMPTOR**

Environmental liability, fraudulent  
concealment, **12:173**

### **CERCLA**

**Comprehensive Environmental  
Response, Compensation, and  
Liability Act of 1980** (this  
index)

### **CERTAINTY OF TERMS**

Options, **4:297 et seq., 4:317**

### **CERTIFICATE OF OCCUPANCY**

Warranty of habitability, **9:38**

### **CERTIORARI**

Property taxes, **4:218**  
Rent control and rent stabilization,  
hardship to landlord, **11:309**

### **CHAIN OF TITLE**

Environmental liability, fraudulent  
concealment, **12:171**

### **CHARGING LIENS**

Attorneys' fees and costs, **1:102**

### **CHARITABLE INSTITUTIONS**

Rent control and rent stabilization,  
**11:96-11:98**

### **CHILDREN AND MINORS**

Attorneys' fees and costs, discrimina-  
tion, **4:258**

**Discrimination** (this index)

Family or marital status discrimina-  
tion, **5:150-5:152**

Human Rights Law (NYC), **5:121**

Lease agreements, **4:158, 4:159**

Nonpayment proceedings, substituted  
service, **14:177**

Rent and other charges, additional  
occupants, **4:98**

### **CITIZENSHIP**

Disabled persons, discrimination  
against, **5:188**

### **CIVIL RIGHTS ACT OF 1866**

Generally, **5:52-5:56**

Contract rights, **5:54**

Property rights, **5:55**

Religion, **5:53**

Remedies. **Discrimination** (this  
index)

Statute of limitations, **5:199**

Zoning measures, **5:56**

### **CIVIL RIGHTS ACT OF 1964, TITLE VII**

Generally, **5:57**

### **CIVIL RIGHTS LAW (NY)**

Generally, **5:95-5:98**

Cooperative ownership, discrimina-  
tory opposition to transfer of,  
**5:96**

**CIVIL RIGHTS LAW (NY)—Cont'd**

Disabled persons may keep assistance dogs, **5:97**  
Public housing, **5:98**  
Remedies. **Discrimination** (this index)

**CLASS ACTIONS**

Article 78 proceedings, **17:112**

**CLEAN AIR ACT**

**Air Pollution Prevention and Control Act** (this index)

**CLEAN HANDS**

Maintenance and repairs, economic infeasibility defense, **10:97**

**CLEAN WATER ACT**

**Water Pollution Control Act** (this index)

**CLIENT MEETING**

**Initial Client Meeting** (this index)

**CLOSING FORMALITIES**

**Lease Agreements** (this index)

**CODE OF PROFESSIONAL RESPONSIBILITY**

Initial client meeting, conflict of interest, **1:5-1:7**

**COLLATERAL ESTOPPEL**

Article 78 proceedings, **17:179-17:181**

**COLLECTION LETTER**

Consumer collection letter, **1:178**

**COLLUSION**

Nonpayment proceedings, vacatur of stipulations, **14:443**

**COMITY**

Petition for administrative review, **17:94**

**COMMINGLING OF FUNDS**

**Security Deposits** (this index)

**COMMISSION ON HUMAN RIGHTS**

Human Rights Law (NYC), administration of, **5:107**

**COMMON AREAS**

Warranty of habitability, **9:39, 9:40**

**COMMON LAW**

Discrimination, **5:4**  
Illegal evictions, **16:375, 16:376**  
Multiple dwelling law, **12:68**  
Nonpayment proceedings, **14:2**  
Warranty of habitability, **9:2**

**COMMUNICATION WITH OPPOSING PARTIES**

Generally, **1:113-1:122**  
Advice to opposing parties, **1:115**  
Clients, communications between, **1:116**  
Employees of adverse party, **1:114**  
Improper statements to adversaries, **1:117, 1:118**  
Judges and other adjudicatory officers, statements concerning, **1:120**  
Reporting of misconduct, duty, **1:121**  
Treatment of persons involved in legal proceedings, standard for, **1:119**

**COMPARATIVE HARDSHIP FORMULA**

Rent control and rent stabilization, **11:301**

**COMPETENCE OF ATTORNEY**

Generally, **1:35-1:44**  
Association with other attorney where competence lacking, **1:39**  
Defined, **1:36, 1:37**  
Diligence, duty of, **1:37**  
Discipline for lack of competence, **1:40**  
Options where competence lacking, **1:38, 1:39**  
Supervision of other attorneys and employees, **1:41**  
Unadmitted status of attorney, disclosure of, **1:44**  
Unauthorized practice of law, aiding prohibited, **1:42-1:44**

## INDEX

### **COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980**

Generally, **12:129-12:134**  
Applicability, **12:130**  
Former owners, liability of, **12:133**  
Joint liability of owner and tenant,  
**12:132**  
Penalties, **12:134**  
Strict liability, **12:131-12:133**

### **COMPROMISE AND SETTLEMENT**

**Article 7-A Proceedings** (this index)  
HP proceedings, fines, **16:302 et seq.**  
Nonpayment proceedings, **14:367-  
14:369**

### **COMPULSORY COUNTERCLAIMS**

Nonpayment proceedings, **14:238**

### **CONCURRENT JURISDICTION**

Human Rights Law (NY), **5:94**  
**Rent Control and Rent Stabiliza-  
tion** (this index)

### **CONDEMNATION**

**Eminent Domain** (this index)

### **CONDITION OF PREMISES**

Generally, **4:161-4:167, 10:56-10:81**  
Americans With Disabilities Act,  
inspections, **4:166**  
Building violations, inspections,  
**4:167**  
Commercial premises  
generally, **10:57-10:64**  
breach, establishment of, **10:59**  
duty to maintain premises over  
which landlord retains  
control, **10:58**  
equitable relief, **10:64**  
remedies, **10:60-10:64**  
rent, suspension of, **10:61**  
surrender of possession, **10:62,  
10:63**  
waiver, surrender of possession,  
**10:63**

### **CONDITION OF PREMISES**

#### **—Cont'd**

Condominiums, **10:68**  
Cooperative apartments, **10:68**  
Defects, inspections, **4:165**  
Deterioration, inspections, **4:165**  
Distinct and independent nature of  
protection, **10:66, 10:67**  
Equitable relief, **10:64, 10:76-10:78**  
Government landlords, **10:67**  
Health codes, violations of, **10:72**  
Human habitation, fitness for, **10:70**  
Inspections, **4:164-4:167**  
Latent defects, freedom from, **10:71,  
10:72**  
**Maintenance and Repairs** (this  
index)  
Neighboring tenants, conduct of,  
**10:70**  
Patent defects, freedom from, **10:71,  
10:72**  
Preliminary injunctive relief, **10:77**  
Property damage recovery under stat-  
ute, **10:80**  
Punitive damages, **10:75**  
Quiet enjoyment, **4:163**  
Remedies, **10:73-10:79**  
Rent, suspension of, **10:61**  
Repairs. **Maintenance and Repairs**  
(this index)  
Residential premises, **10:65-10:81**  
Safety violations, **4:167, 10:72**  
Service of intended residential func-  
tion, **10:70**  
Set-offs, **10:74**  
Statutory violation, establishment if,  
**10:69-10:72**  
Surrender of possession, **10:62,  
10:63, 10:79**  
Waiver, **10:63, 10:81**  
Warranty of habitability, **4:162**  
Withholding of rent, **10:74**

### **CONDOMINIUMS**

**Cooperatives and Condominiums**  
(this index)

### **CONFLICTS OF INTEREST**

Generally, **1:55-1:68**



## **CONFLICTS OF INTEREST**

### **—Cont'd**

- Adverse party currently client, **1:57**
- Adverse party formerly client, **1:58, 1:59**
- Consent of clients to multiple representation, **1:63**
- Evaluation of circumstances, multiple clients, **1:61**
- Initial client meeting, **1:4-1:7**
- Interest of attorney in matter, **1:65**
- Limitations on multiple client representation, **1:62**
- Multiple clients, **1:60-1:63**
- “Of counsel” designation implications, **1:56**
- Organizations, representation of, **1:64**
- Withdrawal as counsel when attorney becomes witness, **1:66-1:68**
- Witness, withdrawal as counsel when attorney becomes, **1:66-1:68**

## **CONSENT JUDGMENTS**

- Nonpayment proceedings, **14:429**

## **CONSENT OR APPROVAL**

- Article 7-A proceedings, removal of administrator, **16:158**
- Attorneys’ fees, division among attorneys, **1:86, 1:91**
- Conflicts of interest, multiple representation, **1:63**
- Fair Housing Act, **5:40**
- Fee sharing, client consent required after full disclosure, **1:86**
- Rent control and rent stabilization, **11:226, 11:227, 11:232-11:234**
- Roommates, **3:47**
- Squatters and intruders, **3:87-3:89**
- Subleases and Assignments** (this index)
- Waste, **10:136**

## **CONSEQUENTIAL DAMAGES**

- Quiet enjoyment, **10:50**

## **CONSIDERATION**

- Possession of property, **8:16**

## **CONSOLIDATION OF CASES**

- Rent Strikes** (this index)

## **CONSPICUOUS-PLACE SERVICE**

- Nonpayment Proceedings** (this index)

## **CONSTITUTIONAL LAW**

- Discrimination** (this index)
- Double jeopardy, criminal contempt, **16:318**
- Due Process** (this index)
- Lofts, 1987 amendment, **18:29**
- Rent control and rent stabilization, **11:5**
- Rent strikes, **16:7**
- Single room occupancy units (SROs), **18:242**

## **CONSTRUCTION AND INTERPRETATION**

- Guests and lodgers, **3:59-3:61**

## **CONSTRUCTIVE EVICTION**

- Illegal evictions, **16:372**
- Nonpayment proceedings, **14:333-14:337**
- Possession of property, **8:35-8:37**
- Quiet Enjoyment** (this index)
- Security deposits, refund upon termination of tenancy, **7:22**

## **CONSTRUCTIVE NOTICE**

- Notice of Tenancy to Third Parties** (this index)
- Premises liability, foreseeability, **12:43**
- Recordation of lease agreements, **4:331, 4:332**
- Recreational use immunity, **12:199**

## **CONSUMER PROTECTION ACT**

- Attorneys, **1:174**

## **CONTEMPT**

- Generally, **16:308 et seq.**
- Application
  - civil contempt, **16:323**
  - criminal contempt, **16:322**
- Attorney, appointment of, **16:329**
- Attorneys’ fees, **16:344**
- Civil contempt, **16:312, 16:313**
- Corporations, jury trial, **16:334**
- Criminal contempt, **16:310, 16:311**

## INDEX

### CONTEMPT—Cont'd

Double jeopardy, criminal contempt,  
**16:318**

Fines, **16:342**

Forms

affidavit in support of motion,  
**16:478**

order to show cause, **16:477**

Future contempts, **16:314**

HP proceedings, **16:304, 16:305**

Incarceration, **16:339, 16:341,**  
**16:343**

Jury trial

generally, **16:330 et seq.**

civil contempt, **16:335**

corporations, **16:334**

criminal contempt, **16:331 et seq.**

petty offense vs. serious offense,  
**16:332, 16:333**

Notice requirements, **16:324**

Procedure, **16:321**

Repercussions of contempt finding

generally, **16:336 et seq.**

civil contempt, **16:337 et seq.**

criminal contempt, **16:340 et seq.**

fines, **16:342**

incarceration, **16:339, 16:341,**  
**16:343**

Service requirements, **16:326 et seq.**

Standards of proof

generally, **16:315 et seq.**

civil contempt, **16:319, 16:320**

criminal contempt, **16:316 et seq.**

double jeopardy, criminal  
contempt, **16:318**

Statutory authority, **16:309 et seq.**

Warning on face of application,  
notice requirements, **16:325**

### CONTINGENCY FEES

Attorneys, **1:73, 4:247**

### CONTRACTS AND AGREEMENTS

**Attorneys' Fees and Costs** (this  
index)

Civil Rights Act of 1866, **5:54**

Creation of tenancy, **2:46-2:50, 2:60,**  
**2:61**

### CONTRACTS AND AGREEMENTS —Cont'd

**Exculpatory Agreements and  
Clauses** (this index)

HOME Program, **19:108**

Irrevocable license, **3:24**

**Lease Agreements** (this index)

**Premises Liability** (this index)

### CONVERSION

Bankruptcy cases, **20:137, 20:169,**  
**20:186, 20:227**

Security deposits, commingling of  
funds, **7:10**

### COOPERATIVES AND CONDOMINIUMS

Generally, **2:131-2:143**

Civil Rights Law (NY), discrimina-  
tory opposition to transfer of  
ownership, **5:96**

Condition of premises, **10:68**

Discrimination, **5:224**

Eviction plan, rights of non-purchas-  
ing rent-regulated tenants in  
conversion process, **2:139**

Foreclosure of cooperative building,  
reversion to rent stabilization,  
**2:143**

**Holdover Proceedings** (this index)

HP proceedings, **16:244**

**Nonpayment Proceedings** (this  
index)

Pet law, applicability of, **2:137**

**Rent Control and Rent Stabiliza-  
tion** (this index)

Repairs, responsibility for, **2:136**

Senior citizens, **2:170**

Sponsor-held units: post-conversion  
tenancy entitlements, **2:142**

Status of owner or shareholder as  
tenant, **2:132-2:137**

Succession rules, units held by non-  
purchasing rent-regulated ten-  
ants under non-eviction plan,  
**2:141**

Summary nonpayment proceedings,  
**2:134**

**COOPERATIVES AND  
CONDOMINIUMS—Cont'd**  
Warranty of habitability, **2:135, 9:9,  
9:19, 9:20, 9:25, 9:32, 9:33,  
14:401**

**CORPORATIONS**  
Contempt, jury trial, **16:334**  
**Holdover Proceedings** (this index)  
**Nonpayment Proceedings** (this  
index)  
Parties to lease agreements, **4:34-  
4:36, 4:42**  
Rent control and rent stabilization,  
recovery of unit for owner  
occupancy, **11:461**

**COST OF LIVING INCREASES**  
Rent and other charges, **4:104**

**COSTS**  
**Attorneys' Fees and Costs** (this  
index)  
**Bankruptcy** (this index)

**COUNSELING AS TO  
ALTERNATIVES**  
Generally, **1:125-1:141**  
Confirmation of requests in writing,  
**1:129**  
Division of authority between  
attorney and client, **1:130**  
Evictions, **1:141**  
Excessive rent payment, tenant  
response to, **1:139**  
Guaranty of outcome, initial advice,  
**1:127**  
Initial advice, **1:126-1:129**  
Initial rent and security, **1:137-1:140**  
Precautionary measures to  
circumvent security deposit  
disputes, **1:140**  
Record-keeping in connection with  
rent regulated tenancies, **1:138**  
Reinstatement of lease by actions of  
landlord, **1:134, 1:135**  
Renewal lease offers may reinstate  
tenancy, **1:135**  
Rent acceptance by landlord may  
prejudice case, **1:132-1:134**  
Tactical considerations, **1:131-1:135**

**COUNSELING AS TO  
ALTERNATIVES—Cont'd**  
Timetables and deadlines, **1:128**  
Waiver, pre-termination rent accep-  
tance may constitute, **1:133**

**COUNTERCLAIMS**  
Lease agreements, **4:239, 4:240**  
Nonpayment proceedings, **14:229-  
14:238**  
Rent strikes, retaliatory eviction,  
**16:12**  
Warranty of habitability, **9:92, 9:93,  
9:111**

**CREATION OF TENANCY**  
Generally, **2:1 et seq.**  
Amount of rent charged, **2:43**  
Commercial premises, **2:59, 2:92**  
Contract, relationship created by,  
**2:46-2:50**  
Contract law, leases subject to, **2:60,  
2:61**  
Conveyance of interest in property,  
**2:51-2:54**  
Delegation of landlord's duty to  
repair, **2:90**  
Delivery of lease, **2:52**  
**Exclusivity of Possession** (this  
index)  
Fair dealing, covenant of, **2:94**  
Good faith, covenant of, **2:94**  
Habitability, implied warranty of,  
**2:57-2:59**  
Implied contract, **2:49**  
Implied warranty of habitability,  
**2:57-2:59**  
**Landlord, Defined** (this index)  
Lease and leasehold, distinguished,  
**2:47**  
Lease and management contract,  
distinguished, **2:48**  
Luxury standard, implied warranty of  
habitability, **2:58**  
Mitigation of damages, **2:61**  
Net lease, effect on ownership, **2:53,  
2:54**  
**Notice of Tenancy to Third Parties**  
(this index)

## INDEX

### CREATION OF TENANCY—Cont'd

- Obligations during tenancy, **2:88-2:94**
- Real estate taxes, liability for, **2:93**
- Real property law, leases subject to, **2:60, 2:61**
- Repair, duty to, **2:89-2:92**
- Residential premises, **2:56-2:59, 2:91**
- Rights during tenancy, **2:88-2:94**
- Rights of parties defined by lease, **2:55**
- Shelter and services, residential lease as contract for, **2:56-2:59**
- Taxes, liability for, **2:93**
- Tenant, Defined** (this index)
- Term or Duration of Tenancy** (this index)

### CRIMES AND CRIMINAL PROCEEDINGS

- Article 7-A proceedings, **16:164**
- Premises Liability** (this index)

### CRIMINAL PENALTIES

- Discrimination, **5:238**
- Illegal evictions, New York City, **16:454, 16:455**

### CURRENT MONTHLY INCOME

- Bankruptcy** (this index)

### DAMAGES

- Attorney malpractice, **1:155**
- Illegal Evictions** (this index)
- Maintenance and repairs, **10:94, 10:141**
- Mitigation of Damages** (this index)
- Possession of property, **8:17, 8:23-8:25, 8:39**
- Punitive Damages** (this index)
- Section 8 Housing program, **19:67, 19:68**
- Security deposits, offsets, **7:14, 7:15, 7:27, 7:28**
- Treble Damages** (this index)
- Warranty of habitability, **8:30-8:34, 9:103, 9:104, 9:106-9:113**
- Waste, **10:138, 13:151, 13:152**

### DANGER TO HUMAN LIFE

- Article 7-A Proceedings** (this index)

### DATE

- Time and Date** (this index)

### DEATH OF TENANT

- Surrender of Possession** (this index)

### DECEIT

- Fraud and Deceit** (this index)

### DECLARATORY RELIEF

- Possession of property, **8:20, 8:22**

### DECREES

- Judgments and Decrees** (this index)

### DEFAULT

- Notice default, commercial property, **16:489**

### DEFENSES

- Article 7-A proceedings, **16:89-16:97**
- Economic Infeasibility** (this index)
- HP proceedings, **16:277 et seq., 16:291**
- Lofts, untimely compliance or noncompliance, **18:89**
- Nonpayment Proceedings** (this index)
- Rent strikes, retaliatory eviction, **16:11**

### DEFINITENESS OF TERMS

- Options, **4:297 et seq., 4:317**

### DEFINITIONS

- Bankruptcy** (this index)
- Holdover Proceedings** (this index)

### DELAY

- Ethics, **1:124**

### DELEGATION OF DUTY

- Maintenance and repairs, **10:92, 19:95**
- Multiple dwelling law, **12:58**
- Premises liability, foreseeability, **12:47-12:49**

### DELIVERY

- Creation of tenancy, **2:52**
- Lease agreements, **4:11**
- Possession of Property** (this index)

**DELIVERY TRUCKS**

Navigation Law § 181, **12:154**

**DEMAND FOR RENT**

**Nonpayment Proceedings** (this index)

**DE MINIMIS MATTERS**

Nonpayment proceedings stipulations, **14:434-14:436**

Rent control and rent stabilization, **11:399, 11:405**

**DEMOLITION OF PREMISES**

**Destruction or Demolition of Premises** (this index)

**DE NOVO REVIEW**

Article 78 proceedings, **17:129, 17:168**

**DEPARTMENT OF HOUSING AND COMMUNITY RENEWAL**

**Termination of Lease** (this index)

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Discrimination, **5:209**

Fair Housing Act, **5:24**

**DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

HP proceedings, **16:237-16:241**

Single room occupancy units (SROs), **18:245, 18:246**

**DEPOSITIONS**

“Poor person” proceedings, **16:347, 16:348**

**DEPOSITS INTO COURT**

**Article 7-A Proceedings** (this index)

**DEPRECIATION**

Lofts, fair market value, **18:163**

**DEPRIVATIONS OF POSSESSION**

**Possession of Property** (this index)

**DEREGULATION**

**Rent Control and Rent Stabilization** (this index)

**DESCRIPTION OF PREMISES**

Generally, **4:21, 4:47-4:53**

Adjoining space, **4:50-4:53**

Ambiguous description, **4:49**

Commercial leases, adjoining space, **4:51-4:53**

Definite and certain description required, **4:48**

Holdover proceedings, **15:259-15:262, 15:431-15:435**

Plot map of premises under construction, **4:53**

Prelease of space under construction, **4:52**

**DESTRUCTION OR DEMOLITION OF PREMISES**

Generally, **13:146-13:148**

Holdover proceedings, **15:47, 15:62, 15:66**

Lease agreements varying terms of statute, **13:148**

Procedure, **13:147**

**Rent Control and Rent Stabilization** (this index)

Surrender of possession, **8:52**

**Termination of Lease** (this index)

**DETERIORATION**

Condition of premises, inspections, **4:165**

**DHCR**

**Division of Housing and Community Renewal** (this index)

**DILIGENCE**

Competence of attorney, **1:37**

**DISABLED PERSONS**

**Americans With Disabilities Act** (this index)

Discrimination. **Disabled Persons, Discrimination Against** (this index)

Holdover proceedings exemption, **15:50, 15:58, 15:69**

**Lease Agreements** (this index)

Low-income housing trust-fund program, **19:254**

## INDEX

### **DISABLED PERSONS—Cont'd**

- Rent control and rent stabilization, recovery of unit for owner occupancy, **11:469-11:475**
- Termination of lease, owner occupancy, **13:107, 13:113, 13:116, 13:118**

### **DISABLED PERSONS, DISCRIMINATION AGAINST**

- Generally, **5:169-5:184**
- AIDS, persons with, **5:178, 5:183**
- Citizenship status, **5:188**
- Civil Rights Law (NY), assistance dogs, **5:97**
- Claims, reasonable accommodation, **5:177**
- Construction standards, **5:181**
- Definitions of “disability” or “handicap,” **5:170-5:175**
- Fair Housing Act, **5:33**
- Fair housing laws, application of, **5:184**
- Federal law, definitions of “disability” or “handicap,” **5:171, 5:172**
- Human Rights Law (NY), **5:81, 5:90**
- New York City
  - generally, **5:185-5:188**
  - citizenship status, **5:188**
  - definitions of “disability” or “handicap,” **5:174, 5:175**
  - lawful occupation, **5:187**
  - sexual orientation, **5:185**
- No-pet clauses, reasonable accommodation, **5:180**
- Occupancy limits, **5:182**
- Parking, reasonable accommodation, **5:179**
- Reasonable accommodation, **5:176-5:180**
- Sexual orientation, **5:185**

### **DISCHARGE OF ADMINISTRATOR**

- Article 7-A Proceedings** (this index)

### **DISCIPLINE**

- Competence of attorney, **1:40**

### **DISCLOSURE**

- Attorney’s bar admission status, **1:44**
- Attorneys’ fee agreement, **1:109**
- Lease agreements, **4:30**
- Lofts, improvements, **18:141-18:145**
- Nonpayment proceedings, **14:407-14:414**
- Premises liability, disclosure of property condition, **12:182 et seq.**

### **DISCRIMINATION**

- Generally, **5:1-5:242**
- Administrative complaints, **5:193, 5:218, 5:230**
- Age Discrimination** (this index)
- Americans With Disabilities Act** (this index)
- Ancestry discrimination. **Nation Origin or Ancestry Discrimination** (this index)
- Attorneys’ fees and costs, **4:258, 5:102, 5:214, 5:215**
- Child-bearing restriction, **5:104**
- Children, discrimination against generally, **5:100-5:103**
  - attorneys’ fees, prevailing party entitled to, **5:102**
  - exemptions, **5:103**
  - penalties and remedies, **5:101**
- Civil court actions, **5:194, 5:219, 5:231, 5:240**
- Civil Rights Act of 1866** (this index)
- Civil Rights Act of 1964, Title VII, **5:57**
- Civil Rights Act of 1968. **Fair Housing Act** (this index)
- Civil Rights Law (NY)** (this index)
- Commercial tenancies, **5:3**
- Common law, **5:4**
- Constitutional law
  - generally, **5:5-5:21**
  - discriminatory impact and intent, equal protection, **5:9, 5:10**
  - equal protection, **5:8-5:12, 5:18**
  - general welfare, promotion of, **5:13, 5:19, 5:20**
  - government action vs. private action, **5:11, 5:12**

**DISCRIMINATION—Cont'd**

Constitutional law—Cont'd  
     low income housing, zoning or building of, **5:20**  
     New York State Constitution, **5:17-5:21**  
     reversionary interest and economic return not adversely impacted, taking of private property, **5:15**  
     shelter or housing, no constitutional guarantee of, **5:7**  
     taking of private property, **5:14, 5:15, 5:21**  
     U.S. Constitution, **5:6-5:16**  
     Cooperative apartment seller, action by, **5:224**  
     Counseling organization, action when resources expended to stem discrimination, **5:203**  
     County housing discrimination laws, **5:125**  
     Criminal penalties, **5:238**  
     Department of Housing and Urban Development, action against, **5:209**  
     **Disabled Persons, Discrimination Against** (this index)  
     Equal protection, **5:8-5:12, 5:18**  
     **Fair Housing Act** (this index)  
     **Family or Marital Status Discrimination** (this index)  
     Federal statutes, generally, **5:22-5:69**  
     Forms  
         generally, **5:239-5:242**  
         federal complaint for declaratory judgment, injunctive relief, and damages, **5:240**  
         legal apartment application, **5:239**  
         New York City Human Rights Commission complaint, **5:242**  
         New York State Division of Human Rights complaint, **5:241**  
         U.S. Department of Housing and Urban Development, **5:243**  
     **Gender Discrimination** (this index)

**DISCRIMINATION—Cont'd**

    General welfare, promotion of, **5:13, 5:19, 5:20**  
     Government action vs. private action, **5:11, 5:12**  
     Hotel association, action on behalf of disabled residents, **5:205**  
     **Human Rights Law (NY)** (this index)  
     **Human Rights Law (NYC)** (this index)  
     Illegal “discriminatory practices,” defined, **5:2**  
     Injunctive relief, **5:211, 5:235, 5:236**  
     Injury in fact, standing to sue, **5:201-5:206**  
     Lease agreements, **4:155-4:160**  
     Low income housing, zoning or building of, **5:20**  
     Marital status discrimination. **Family or Marital Status Discrimination** (this index)  
     **Nation Origin or Ancestry Discrimination** (this index)  
     New York City statutes, **5:105-5:124**  
     New York State statutes, **5:70-5:104**  
     Partnership status, **5:186**  
     Penalties, **5:101, 5:216, 5:237, 5:238**  
     Preliminary injunction, **5:228**  
     Property related prohibitions, **5:99**  
     Protected categories, **5:126-5:187**  
     Punitive damages, **5:212, 5:213, 5:226, 5:227**  
     **Race Discrimination** (this index)  
     Rehabilitation Act, **5:58, 5:59**  
     **Religious Discrimination** (this index)  
     Remedies under federal law  
         generally, **5:192-5:216**  
         administrative complaint, **5:193**  
         administrative proceedings, attorneys’ fees and costs, **5:215**  
         attorneys’ fees and costs, **5:214, 5:215**  
         civil court actions, **5:194**  
         counseling organization, action when resources expended to stem discrimination, **5:203**



## INDEX

### **DISCRIMINATION—Cont'd**

#### Remedies under federal law—Cont'd

Department of Housing and Urban  
Development, action against,  
**5:209**

form, federal complaint for  
declaratory judgment, injunc-  
tive relief, and damages,  
**5:240**

hotel association, action on behalf  
of disabled residents, **5:205**

injunctive relief, **5:211**

injury in fact, standing to sue,  
**5:201-5:206**

nonminority plaintiffs, no loss of  
associational benefits, **5:206**  
penalties, **5:216**

persons who can be sued, **5:207**,  
**5:208**

punitive damages, **5:212, 5:213**

racial steering, action by  
municipality against real  
estate brokers, **5:204**

standing to sue, **5:200-5:209**

statute of limitations, **5:195-5:199**

zoning ordinance, action by  
developers, **5:204**

#### Remedies under New York City law

generally, **5:229-5:238**

administrative complaints, **5:230**

civil court actions, **5:231**

civil penalties, **5:237**

criminal penalties, **5:238**

injunctive relief, **5:235, 5:236**

New York City Human Rights

Commission complaint, **5:242**

penalties, **5:237, 5:238**

standing to sue, **5:233**

statute of limitations, **5:232**

#### Remedies under New York State law

generally, **5:217-5:228**

administrative complaints, **5:218**

civil court actions, **5:219**

commercial plaintiffs, **5:223**

cooperative apartment seller,  
action by, **5:224**

New York State Division of  
Human Rights complaint,  
**5:241**

### **DISCRIMINATION—Cont'd**

#### Remedies under New York State law

##### —Cont'd

preliminary injunction, **5:228**

punitive damages, **5:226, 5:227**

standing to sue, **5:221-5:224**

statute of limitations, **5:220**

white prospective tenant with  
black roommate, action by,  
**5:222**

Reversionary interest and economic  
return not adversely impacted,  
taking of private property, **5:15**

Sex discrimination. **Gender  
Discrimination** (this index)

Standing to sue, **5:200-5:209, 5:221-  
5:224, 5:233**

Statute of limitations, **5:195-5:199**,  
**5:220, 5:232**

Statutory protections, **5:4-5:122**

Taking of private property, **5:14**,  
**5:15, 5:21**

**Zoning** (this index)

### **DISHONORED CHECKS**

Fair Debt Collection Practices Act,  
**1:163**

### **DISHWASHERS**

Rent control and rent stabilization,  
**11:246**

### **DISMISSAL MOTIONS**

Nonpayment proceedings, **14:404**,  
**14:463**

### **DISSOLUTION**

**Government Subsidized housing,  
New York State Programs** (this  
index)

### **DIVISION OF HOUSING AND COMMUNITY RENEWAL**

Administrative proceedings, com-  
mencement of, **17:2-17:4**

**Article 7-A Proceedings** (this index)

Article 78 proceedings, service,  
**17:148, 17:149**

Opinion letters, **11:503**

Petition for administrative review,  
**17:67, 17:68**

**DIVISION OF HOUSING AND  
COMMUNITY RENEWAL  
—Cont'd**

**Publications**

advisory opinions, **11:504**  
availability, **11:500**  
fact sheets, **11:505-11:507**  
operational bulletins, **11:501**  
opinion letters, **11:503**  
policy statements, **11:502**  
regional, borough, and district rent  
office locations, **11:507-  
11:508**

**Rent Control and Rent Stabiliza-  
tion (this index)**

Single room occupancy units (SROs),  
**18:245, 18:247**

**DOGS**

Nuisance, **13:97, 13:98**

**DOMESTIC PARTNERS**

Licenses, **3:36**  
Rent control and rent stabilization,  
**11:328-11:329**

**DOORKNOBS**

Warranty of habitability, **9:41**

**DOOR LOCKS**

Multiple dwelling law, **12:64**  
Warranty of habitability, **9:68**

**DORMITORIES**

Americans With Disabilities Act,  
dormitories as public accom-  
modations, **5:63**

**DOUBLE JEOPARDY**

Criminal contempt, **16:318**

**DOUBLE RENT**

Surrender of possession, **8:58**

**DRINKING WATER**

Lead poisoning, **12:74**

**DRUG USE AND SALES**

Fair Housing Act, **5:50**  
Immoral or illegal use of occupancy,  
**13:74**  
Nuisance, **13:92**  
Warranty of habitability, **9:70**

**DRYERS**

Rent control and rent stabilization,  
**11:246**

**DUE DILIGENCE**

Article 7-A proceedings, service of  
notice of petition and petition,  
**16:79**

**DUE PROCESS**

Administrative proceedings, **17:14**  
Loan programs, federal, Section 221,  
**19:165**  
Section 8 Housing program, rent and  
rent increases, **19:52**

**DURATION OF LEASE OR  
TENANCY**

**Term or Duration of Lease or  
Tenancy (this index)**

**EARLY TERMINATION**

**Abandonment or Early Termina-  
tion (this index)**

**ECONOMIC INFEASIBILITY**

Article 7-A proceedings, **16:94,  
16:95**  
HP proceedings, **16:281, 16:282**  
**Maintenance and Repairs (this  
index)**  
Nonpayment proceedings, discovery,  
**14:410**

**EDUCATIONAL INSTITUTIONS**

Rent control and rent stabilization,  
**11:96-11:98**

**EJECTMENT**

Illegal evictions, **16:424**  
Possession of property, **8:19**  
Yellowstone injunctions, **16:218**

**ELDERLY PERSONS**

**Senior Citizens (this index)**

**ELECTRICAL CONVERSION**

Rent reduction based on, **11:253**

**ELECTRIC LOCKS**

Religious discrimination, orthodox  
Jewish tenants, **5:136**

## INDEX

### **ELECTRONIC FUNDS TRANSFERS**

Rent and other charges, **6:14**

### **ELEVATOR SERVICE**

Warranty of habitability, **9:42**

### **EMERGENCY HOUSING RENT CONTROL LAW**

Rent control and rent stabilization,  
**11:25, 11:33**

### **EMERGENCY RENT PROTECTION ACT**

Nuisance, procedure for termination,  
**13:102**

### **EMERGENCY REPAIR PROGRAM HP Proceedings (this index)**

### **EMERGENCY TENANT PROTECTION ACT**

**Holdover Proceedings** (this index)  
Immoral or illegal use of occupancy,  
**13:83**

**Rent Control and Rent Stabiliza-  
tion** (this index)

**Termination of Lease** (this index)

### **EMERGENCY TENANT PROTECTION REGULATIONS**

Petition for administrative review,  
time to file, **17:59-17:65**

### **EMINENT DOMAIN**

Generally, **10:157-10:161**

Compensation, right of tenant to  
receive, **10:161**

Defined, **10:158**

Procedures, **10:159**

Rent, effect on obligation to pay,  
**10:160**

### **EMOTIONAL DISTRESS**

Holdover proceeding counterclaim,  
**15:377**

Illegal evictions, **16:419**

### **EMOTIONAL-SUPPORT ANIMALS**

Holdover proceedings, **15:19**

Termination of lease, **13:52**

Written rental agreements, **4:197**

### **EMPLOYER AND EMPLOYEE**

Generally, **3:66-3:81**

Communication with opposing par-  
ties, **1:114**

Compensation, occupancy as, **3:73,  
3:74**

Direct employer, termination of  
employment agreement where  
landlord is not, **3:76**

Exchange of tenancy for employ-  
ment-occupancy, **3:69**

Good cause for eviction, termination  
of employment, **3:77**

Independence of occupancy and  
employment duties, **3:70**

Independent right to possession,  
termination of employment,  
**3:78**

Landlord, defined, **2:13**

Landlord-tenant relationship nonexis-  
tent when occupancy contingent  
on employment relationship,  
**3:67-3:74**

Nonpayment proceedings, **14:169**

Prior tenancy not destroyed by  
employment relationship, **3:68,  
3:69**

Rent-regulation laws, **3:79-3:81**

Subsequent tenancy, **3:71**

Succession laws when employee was  
tenant, rent control, **3:81**

Successive employment relation-  
ships, **3:72**

Superintendent not tenant under rent  
control, **3:80**

Termination of employment agree-  
ment, effect of, **3:75-3:78**

### **ENFORCEMENT OF LEASE AGREEMENTS**

Generally, **4:333 et seq.**

Acceptance of rent with knowledge  
of breach by tenant, **4:342-4:344**

All parts of contract, interpretation to  
give meaning to, **4:337**

Assignee, acceptance of rent from  
unauthorized, **4:343**

Default, acceptance of rent where  
tenant notified of, **4:344**

Estoppel. Waiver and estoppel, below

**ENFORCEMENT OF LEASE  
AGREEMENTS—Cont'd**

- Extrinsic evidence, **4:338**
- “Four corners” rule, **4:334**
- “Golub” notice, renewal lease issued before or after, **4:349, 15:520**
- Interpretation of contracts, **4:333 et seq.**
- Ordinary and plain meaning, **4:335**
- Parol evidence, **4:338**
- Public policy, waiver as violation of, **4:346**
- Reasonable meaning, **4:336**
- Regulated tenancy, creation by conduct of landlord, **4:347**
- Renewal leases, **4:348, 4:349**
- Waiver and estoppel
  - generally, **4:339 et seq.**
  - acceptance of rent with knowledge of breach by tenant, **4:342-4:344**
  - assignee, acceptance of rent from unauthorized, **4:343**
  - default, acceptance of rent where tenant notified of, **4:344**
  - distinctions, **4:340**
  - “Golub” notice, renewal lease issued before or after, **4:349, 15:520**
  - litigation, renewal lease issued in accordance with requirements of regulatory scheme during course of ongoing, **4:348**
  - public policy, waiver as violation of, **4:346**
  - regulated tenancy, creation by conduct of landlord, **4:347**
  - renewal leases, **4:348, 4:349**
  - written agreement specifying no waiver, **4:345**
- Written agreement specifying no waiver, **4:345**

**ENVIRONMENTAL  
CONSERVATION LAW**

Generally, **12:155-12:157**

**ENVIRONMENTAL LIABILITY**

- Generally, **12:127-12:173, 12:179**
- Adirondack Park Act, **12:158**

**ENVIRONMENTAL LIABILITY  
—Cont'd**

- Advisory boards, creation of, **12:158**
- Air Pollution Prevention and Control Act** (this index)
- Caveat emptor, fraudulent concealment, **12:173**
- Chain of title, fraudulent concealment, **12:171**
- Cities, legislation affecting, **12:158**
- Clean Air Act. **Air Pollution Prevention and Control Act** (this index)
- Clean Water Act. **Water Pollution Control Act** (this index)
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980** (this index)
- Environmental Conservation Law, **12:155-12:157**
- Federal law, **12:128-12:146**
- Fraudulent concealment
  - generally, **12:168-12:173**
  - caveat emptor, **12:173**
  - chain of title, **12:171**
  - dangerousness of condition as question of fact, **12:170**
  - disclose, duty to, **12:169**
  - statute of limitations, **12:172**
- Hudson River Valley Greenway Act, **12:158**
- Navigation Law § 181** (this index)
- Negligence per se, **12:167**
- New York State law, **12:147-12:157**
- Nuisance, **12:160-12:165**
- Parties, actions for nuisance or trespass, **12:163**
- Penalties, Environmental Conservation Law, **12:157**
- Persons liable for nuisance or trespass, **12:164**
- Regions, legislation affecting specific, **12:158**
- Solid Waste Disposal Act** (this index)
- Statute of limitations, **12:165, 12:172**
- Trespass, **12:161-12:165**

## INDEX

### ENVIRONMENTAL LIABILITY —Cont'd

Uniform Land Use Procedures, New  
York City, **12:158**  
Waste, **12:166**  
**Water Pollution Control Act** (this  
index)

### EQUAL PROTECTION

Discrimination, **5:8-5:12, 5:18**

### EQUITABLE CONSIDERATIONS AND RELIEF

Condition of premises, **10:64, 10:76-  
10:78**

Holdover proceedings, waiver of jury  
trial, **15:384**

**Injunctive Relief** (this index)

Nonpayment proceedings, waiver of  
jury trial, **14:244**

Options, **4:313, 4:320**

Possession of property, **10:36**

**Preliminary Injunctions** (this index)

### ESCALATION CLAUSES

Lofts, rent regulation, **18:99, 18:100**

Rent and other charges, **4:101, 4:357**

### ESSENTIAL SERVICES

**Rent Control and Rent Stabiliza-  
tion** (this index)

### ESTOPPEL

**Waiver and Estoppel** (this index)

### ETHICS

Generally, **1:34-1:68, 1:112-1:124**

Attorneys' fees and costs, **1:81-1:83**

Client motives, **1:45-1:54**

**Communication with Opposing  
Parties** (this index)

**Competence of Attorney** (this  
index)

**Conflicts of Interest** (this index)

Delay tactics, **1:124**

**Frivolous Conduct** (this index)

Improper purpose of client, **1:47**

Merits of case, **1:45-1:54**

### EVICTION

**Constructive Eviction** (this index)

**Holdover Proceedings** (this index)

### EVICTION—Cont'd

**Illegal Evictions** (this index)

**Rent Control and Rent Stabiliza-  
tion** (this index)

**Self-Help** (this index)

### EVIDENCE

**Administrative Proceedings** (this  
index)

Article 78 proceedings, **17:130,  
17:158**

Burden of proof. **Presumptions and  
Burden of Proof** (this index)

Immoral or illegal use of occupancy,  
**13:81**

Maintenance and repairs, economic  
infeasibility defense, **10:96**

**Presumptions and Burden of Proof**  
(this index)

Rent strikes, **16:41**

**Substantial Evidence** (this index)

**Warranty of Habitability** (this  
index)

Waste, **13:153**

### EXCLUSIONARY ZONING

**Zoning** (this index)

### EXCLUSIVITY OF POSSESSION

Generally, **2:28-2:32**

Inspection, **2:31**

Quiet enjoyment, right to, **2:29, 2:30**

Repairs, **2:31**

Reversion to landlord at end of  
tenancy, **2:32**

Warranty of habitability, **2:30**

### EXCULPATORY AGREEMENTS AND CLAUSES

Lease agreements, **4:283**

Premises liability, **12:120, 12:121,  
12:125, 12:126**

Unconscionability, **10:22**

Warranty of habitability, **9:6**

### EXECUTIVE DIRECTOR

Lofts, rent regulation, **18:123**

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

Article 78 proceedings, **17:114-  
17:119**

**EXPERT TESTIMONY**

Warranty of habitability, **9:104**

**EXTRINSIC EVIDENCE**

Enforcement of lease agreements,  
**4:338**

**FACT SHEETS**

Rent control and rent stabilization,  
**11:505-11:507**

**FAIR CREDIT REPORTING ACTS**

Holdover proceedings,  
counterclaims, **15:378**

Nonpayment proceedings,  
counterclaims, **14:237**

**FAIR DEALING**

Creation of tenancy, **2:94**

Rights and obligations of tenancy,  
**10:11**

**FAIR DEBT COLLECTION  
PRACTICES ACT**

Generally, **1:156-1:173**

Amount of potential damages, **1:165**

Application of act to landlord-tenant  
matters, **1:159**

Compliance with act, **1:166-1:175**

“Consumers,” protection of, **1:160**

Content of communication, **1:167-  
1:170**

“Debt collector,” attorney as, **1:157-  
1:159**

“Debts” covered, **1:161-1:164, 1:164**

Dishonored checks, **1:163**

“Initial communication” defined,  
**1:169**

Nonpayment proceedings, signature  
on written rent demand, **14:42**

Place of communication, **1:172**

Rental arrears as “debt,” **1:162**

Standard to determine whether com-  
munication violates act, **1:170**

Statute of limitations, **1:173**

Thirty day dispute, validation period,  
**1:168**

Timing of communication, **1:171**

**FAIR HOUSING ACT**

Generally, **5:23-5:51**

Advertising, discriminatory, **5:31**

**FAIR HOUSING ACT—Cont’d**

Consent is no defense, **5:40**

Construction of housing, **5:27**

Department of Housing and Urban  
Development, administration by,  
**5:24**

Disabled persons, failure to make  
housing accessible to, **5:33**

“Discriminatory housing practices”  
prohibited, **5:28-5:36**

Discriminatory impact and intent,  
equal protection, **5:10**

Drug convictions, persons with, **5:50**

Economic groups, **5:26**

Exemptions

generally, **5:45-5:51**

drug convictions, persons with,  
**5:50**

occupancy limits, **5:48**

older persons, discrimination  
against children by housing  
for, **5:49**

private clubs, **5:47**

religious organizations, **5:46**

small buildings/owners, **5:51**

Family or marital status discrimina-  
tion, **5:150-5:152**

Financing, discrimination in, **5:34**

Good faith is no defense, **5:42**

Intent

generally, **5:38-5:43**

consent is no defense, **5:40**

discriminatory effect, **5:41-5:43**

establishment of intent, **5:39, 5:40**

good faith is no defense, **5:42**

legitimate justification, **5:43**

Legitimate justification, **5:43**

Misrepresentation of availability of  
housing, **5:30**

Occupancy limits, **5:48**

Older persons, discrimination against  
children by housing for, **5:49**

Prima facie case, **5:37**

Private clubs, **5:47**

“Protected classes,” specified, **5:25-  
5:27**

Racial steering, **5:35**

Refusing to rent or sell to members of  
protected classes, **5:29**

## INDEX

### **FAIR HOUSING ACT—Cont'd**

- Religious organizations, **5:46**
- Remedies. **Discrimination** (this index)
- Services or rights, failure to provide, **5:32**
- Small buildings/owners, **5:51**
- Vicarious liability, **5:44**
- Zoning, exclusionary, **5:36**

### **FAIR-MARKET RENT-APPEAL OF INITIAL RENT-STABILIZED RENT**

- Rent Control and Rent Stabilization** (this index)

### **FAIR MARKET VALUE**

- Lofts, improvements, **18:147, 18:160-18:163**
- Options, amount of rent, **4:300**

### **FAIR TRIAL**

- Administrative proceedings, **17:13**

### **FAMILY OR MARITAL STATUS DISCRIMINATION**

- Generally, **5:149-5:160**
- Children, individuals with, **5:150-5:152**
- Fair Housing Act, **5:150-5:152**
- New York City, sexual orientation, **5:155**
- New York laws, **5:153-5:155**
- Senior-housing exemptions, **5:156**
- Sexual orientation, **5:155**
- Single persons, **5:152**
- Succession of tenant by nontraditional family members, **5:157-5:159**
- Zoning, exclusionary, **5:160**

### **FEDERAL HOUSING ACT**

- Statute of limitations, **5:196, 5:198**
- Vicarious liability, **5:198**

### **FEES**

- HP proceedings, **16:271**
- Rent Control and Rent Stabilization** (this index)

### **FEE SHARING**

- Client consent required after full disclosure, **1:86**

### **FICTITIOUS NAMES**

- Holdover proceedings, **15:229, 15:414**
- Nonpayment proceedings, **14:277**

### **FILING**

- Petition for Administrative Review** (this index)

### **FINANCING**

- Fair Housing Act, **5:34**
- Human Rights Law (NY), **5:85, 5:86**
- Human Rights Law (NYC), **5:117**

### **FINES**

- Contempt, **16:342**

### **FIREMAN'S RULE**

- Generally, **12:203-12:207**
- Abolition of rule, **12:206**
- Application, **12:204**
- Exceptions, **12:205**
- Expansion of strict liability statutory causes of action, **12:207**

### **FIRES AND FIRE SAFETY**

- Nuisance, **13:91**
- Smoke Detectors** (this index)
- Strict liability, **12:107, 12:108**
- Warranty of habitability, fire detection equipment, **9:43, 9:73**

### **FIXTURES**

- Generally, **10:153-10:156**
- Compensation for trade fixtures, **10:156**
- Tenant's right to remove trade fixtures, **10:155**
- Trade fixtures, defined, **10:154**

### **FLOOR TILES**

- Warranty of habitability, **9:44**

### **FORECLOSURE**

- Cooperative building, reversion to rent stabilization, **2:143**
- Notice of tenancy to third parties, **2:77-2:79, 2:87**



**FOREIGN CORPORATIONS**

Nonpayment proceedings, statement of interest, **14:112, 14:113**

**FORESEEABILITY**

**Premises Liability** (this index)

**FORFEITURE**

Waste, **13:151, 13:152**

**FORMER JEOPARDY**

Criminal contempt, **16:318**

**FORMS**

**Article 7-A Proceedings** (this index)  
Attorney fee agreement, hourly rate, **1:177**

Consumer collection letter, **1:178**

**Contempt** (this index)

**Discrimination** (this index)

**HP Proceedings** (this index)

**Illegal Evictions** (this index)

Interview of client, checklist, **1:176**

**Lease Agreements** (this index)

Memoranda of lease, **2:173**

**Nonpayment Proceedings** (this index)

**Petition for Administrative Review** (this index)

**“Poor Person” Proceedings** (this index)

**Section 8 Housing Program** (this index)

Senior citizens, residential lease termination, **2:174**

**Yellowstone Injunctions** (this index)

**“FOUR CORNERS” RULE**

Enforcement of lease agreements, **4:334**

**FRAUD AND DECEIT**

Bankruptcy estate property, fraudulent transfers and obligations, **20:272-20:275**

Fair Housing Act, **5:30**

Human Rights Law (NY), availability of housing, **5:77**

Lease agreements, **4:28, 4:267**

Nonpayment proceedings, vacatur of stipulations, **14:443**

**FRAUD AND DECEIT—Cont’d**

**Petition for Administrative Review** (this index)

Subleases and assignments, **4:140**

**FRAUDS, STATUTE OF**

**Statute of Frauds** (this index)

**FRAUDULENT CONCEALMENT**

**Environmental Liability** (this index)

**FREEDOM OF INFORMATION LAW**

Rent control and rent stabilization, registered rents and services, **11:176**

**FREEZING OF RENT**

Rent control and rent stabilization, **11:199, 11:371**

**FRIABLE**

Asbestos, **12:94**

**FRIVOLOUS CONDUCT**

Generally, **1:49-1:54, 1:123**

Certification of documents, **1:51**

Defined, **1:50, 1:51**

Discretionary allowances, **1:54**

Hearing required, **1:53**

Litigation practices, **1:123**

Penalties, **1:52**

**FUEL COST ADJUSTMENTS FOR NEW YORK CITY RENT-CONTROLLED UNITS**

**Rent Control and Rent Stabilization** (this index)

**FUMES**

Warranty of habitability, **9:62**

**FURNISHED ROOMS**

Rent control and rent stabilization, **11:64, 11:101**

**FUTILITY**

Article 7-A proceedings, **16:96, 16:97**

**GARBAGE**

Warranty of habitability, **9:45**

## INDEX

### **GARDEN APARTMENT COMPLEXES**

Rent control and rent stabilization,  
**11:77**

### **GENDER DISCRIMINATION**

Generally, **5:142-5:147**  
Gender identity or expression, **5:143**  
Same-sex composition of family unit,  
**5:148**  
Same-sex harassment, **5:147**  
Sexual harassment, **5:145, 5:146**  
Sexual orientation, **5:144**

### **“GOLUB” NOTICE**

Enforcement of lease agreements,  
**4:349, 15:520**

### **GOOD CAUSE**

Loan programs, federal, termination  
of tenancies, **19:136, 19:137**  
Nonpayment proceedings, vacatur of  
warrant, **14:494**

### **GOOD FAITH**

Creation of tenancy, **2:94**  
Fair Housing Act, **5:42**  
Lofts, improvements, **18:148**  
**Rent Control and Rent Stabiliza-  
tion** (this index)  
Rights and obligations of tenancy,  
**10:11**

### **“GOOD GUY” CLAUSE**

Guaranty clauses, **4:237, 4:358**

### **GOODS AND MERCHANDISE**

**Warehouse Sale** (this index)

### **GOVERNING STATUTES AND REGULATIONS**

**Rent Control and Rent Stabiliza-  
tion** (this index)

### **GOVERNMENT SUBSIDIZED HOUSING, FEDERAL PROGRAMS**

Generally, **19:1-19:182**  
**HOME Program** (this index)  
**Loan Programs, Federal** (this  
index)  
**Low-Income Housing Credits** (this  
index)

### **GOVERNMENT SUBSIDIZED HOUSING, FEDERAL PROGRAMS—Cont’d**

Rent-supplement assistance, **19:174**  
**Section 8 Housing Program** (this  
index)  
Warranty of habitability, **9:10**

### **GOVERNMENT SUBSIDIZED HOUSING, NEW YORK CITY PROGRAMS**

Generally, **19:287-19:304**  
421-a tax exemption, **19:302-19:304**  
**J-51 Program** (this index)  
**Loan programs, New York City**  
(this index)  
Rental agreement, 421-a tax exemp-  
tion, **19:303**  
Rent and rent increases, 421-a tax  
exemption, **19:304**  
Senior Citizens Rent Increase  
Exemption Program, **19:301**  
Warranty of habitability, **9:10**

### **GOVERNMENT SUBSIDIZED HOUSING, NEW YORK STATE PROGRAMS**

Generally, **19:183-19:286**  
Abandonment, **19:222**  
Additional rent, **19:210**  
Admissions criteria, **19:200, 19:201**  
Certificate of no objection, dissolu-  
tion, **19:228, 19:229**  
Dissolution  
generally, **19:226-19:235**  
certificate of no objection, **19:228,**  
**19:229**  
content of notice of intent to dis-  
solve, **19:231**  
final notice, **19:233**  
notice of intent to dissolve,  
**19:230-19:233**  
permitted dissolution, **19:227**  
public information meeting,  
**19:234**  
rent regulation, **19:235**  
tax exemption, **19:232**  
Final notice, dissolution, **19:233**  
Holdover proceedings, **19:223,**  
**19:224**

**GOVERNMENT SUBSIDIZED  
HOUSING, NEW YORK STATE  
PROGRAMS—Cont'd**

Housing companies, **19:184-19:191**  
Housing standards, **19:213, 19:214**  
Income requirements, **19:193-19:195**  
Increases in income requirements,  
**19:195**  
Intra-project transfers, **19:199**  
Leasing interview, **19:205**  
Limited-dividend housing companies,  
**19:187**  
Limited-profit housing companies,  
**19:185, 19:186**  
**Low-Income Housing Trust-Fund  
Program** (this index)  
**Low-Income Turnkey-Housing  
Trust Fund Program** (this  
index)  
Mitchell-Lamas, **19:185, 19:186**  
Nonpayment of rent, **19:221**  
Notice  
    intent to dissolve, **19:230-19:233**  
    rent change, **19:209**  
Obligations of parties  
    generally, **19:211-19:218**  
    housing standards, **19:213, 19:214**  
    landlord obligations, **19:212-  
19:216**  
    privacy of tenant information,  
    **19:215**  
    security deposits, **19:218**  
    special services, **19:214**  
    tenant associations, **19:216**  
    tenant obligations, **19:217, 19:218**  
Preferences, selection of tenants,  
**19:198**  
Privacy of tenant information, **19:215**  
Project rules and regulations, **19:219**  
Public information meeting, dissolu-  
tion, **19:234**  
Redevelopment companies, **19:188-  
19:191**  
Rental agreement  
    generally, **19:203-19:206**  
    leasing interview, **19:205**  
    staff apartments, **19:206**

**GOVERNMENT SUBSIDIZED  
HOUSING, NEW YORK STATE  
PROGRAMS—Cont'd**

Rent and rent increases  
    generally, **19:207-19:210**  
    additional rent, **19:210**  
    notice of rent change, **19:209**  
Rent regulation, dissolution, **19:235**  
**Rural Rental Assistance Program**  
    (this index)  
Security deposits, **19:218**  
Selection of tenants  
    generally, **19:196-19:202**  
    admissions criteria, **19:200, 19:201**  
    intra-project transfers, **19:199**  
    preferences, **19:198**  
    senior citizen set-asides, **19:197**  
    succession entitlements, **19:202**  
Senior citizens, **19:190, 19:197**  
Special services, **19:214**  
Staff apartments, **19:206**  
Succession entitlements, **19:202**  
Supervision of redevelopment  
    companies, **19:189**  
Tax exemption, dissolution, **19:232**  
Termination of tenancy  
    generally, **19:220-19:225**  
    abandonment, **19:222**  
    holdover proceedings, **19:223,  
19:224**  
    nonpayment of rent, **19:221**  
    procedure, **19:225**  
Warranty of habitability, **9:10**

**GROSS NEGLIGENCE**

Recreational use immunity, **12:202**

**GUARANTORS**

Holdover proceedings  
    improper respondents, **15:430**  
    proper respondents, **15:226**

**GUARANTY CLAUSES**

Generally, **4:225-4:237**  
Ascertainable identity of guarantor,  
**4:46**  
Assignments, **4:235**  
Extension of time for payment as  
    discharge of guarantor, **4:236**

## INDEX

### **GUARANTY CLAUSES—Cont'd**

- Foreign guarantors, jurisdiction over, **4:229**
  - “Good guy” clause, **4:237, 4:358**
  - Landlord guaranty provisions, **4:226**
  - Limitation on liability, **4:233-4:237**
  - Personal liability of guarantors, **4:230**
  - Recourse against guarantors
    - generally, **4:227-4:231**
    - foreign guarantors, jurisdiction over, **4:229**
    - personal liability, **4:230**
    - summary proceeding, joinder of guarantor as party, **4:231**
    - uninformed guarantor may be liable, **4:228**
  - Renewal leases, **4:234**
  - Rights of guarantors, **4:232**
  - Subsequent change in nature of guarantee, **4:233**
  - Summary proceeding, joinder of guarantor as party, **4:231**

### **GUARDIANS AD LITEM**

- Generally, **16:457 et seq.**
- Mental Hygiene Law, distinguished, **16:460, 16:461**
- Procedural predicates, **16:458**
- Public policy, **16:459**

### **GUESTS AND LODGERS**

- Generally, **3:53-3:65**
- Construction, rule of, **3:59-3:61**
- Extended occupancy may confer tenancy status, **3:56**
- Mixed-use hotels, transient hotel occupants, **3:64**
- New York City, transient hotel occupants, **3:63**
- Nonpayment proceedings, substituted service, **14:181**
- Personal contract, relationship as, **3:55, 3:56**
- Rent regulation of hotel rents, **3:65**
- Self-help eviction, **3:57**
- Social services, motel occupants placed by, **3:61**
- Summary proceedings, eviction, **3:58**
- Tenant, distinguished, **3:54-3:61**

### **GUESTS AND LODGERS—Cont'd**

- Transient hotel occupants, **3:60, 3:62-3:65**

### **HABITABILITY**

- Warranty of Habitability** (this index)

### **HALFWAY HOUSES**

- Americans With Disabilities Act, **5:64**

### **HALL CARPETS**

- Warranty of habitability, **9:46**

### **HALLWAY WINDOWS**

- Rent control and rent stabilization, **11:280**

### **HANDICAPPED PERSONS**

- Disabled Persons** (this index)

### **HARASSMENT**

- Article 7-A proceedings, **16:133**
- Maintenance and repairs, New York City tenants in premises formerly used for manufacturing and warehouse purposes protected from, **10:89, 10:90**
- Rent control and rent stabilization, **11:406-11:408**
- Single Room Occupancy Units (SROs)** (this index)

### **HARDSHIP**

- Lofts, exemptions, **18:13, 18:14**
- Rent Control and Rent Stabilization** (this index)

### **HEALTH AND SAFETY**

- Article 7-A Proceedings** (this index)
- Condition of premises, **4:167, 10:72**
- Nuisance, **13:91**
- Quiet enjoyment, violation of health and safety codes, **10:45**

### **HEARINGS**

- Administrative Proceedings** (this index)
- Frivolous conduct, **1:53**
- Lofts** (this index)
- Nonpayment Proceedings** (this index)

## HEARINGS—Cont'd

- Rent control and rent stabilization, fair-market rent-appeal of initial rent-stabilized rent, **11:194**
- Rent strikes, abatements, **16:40, 16:41**

## HEARSAY EVIDENCE

- Administrative proceedings, **17:30-17:33**

## HEAT AND HOT WATER

- Air Conditioners and Air Conditioning** (this index)
- HP proceedings, **16:298**
- Rent control and rent stabilization, **11:403-11:405**
- Warranty of habitability, **9:47**

## HOLDOVER PROCEEDINGS

- Generally, **15:1 et seq.**
- Acceptance of rent, defense, **15:484-15:491**
- Access, breach of covenant providing, **15:10**
- Access to rent-control premises, tenant's refusal to permit landlord, **15:41**
- Access to Rent Stabilized Code premises by landlord, tenant's refusal to permit, **15:52**
- Adjournments
  - generally, **15:576**
  - excessive adjournments by landlord, **15:579**
  - NYC Civil Court
    - generally, **15:577**
    - content of notice of petition (NYC), **15:578**
- Affirmative defenses and counterclaims, trial procedures, **15:584**
- Against non-tenant
  - generally, **15:73-15:86**
  - cultivation agreement, occupant under, **15:75**
  - employment, occupancy incidental to, **15:86**
  - forcible or unlawful entry, **15:85**
  - foreclosure, occupant after, **15:78**
  - former owner, **15:83**

## HOLDOVER PROCEEDINGS

### —Cont'd

- Against non-tenant—Cont'd
  - former owner or occupant after tax sale, **15:77**
  - judgment debtor after execution sale, **15:74**
  - licensee, **15:80-15:82**
  - life estate, occupant after termination of, **15:79**
  - squatter, **15:76**
  - tax sale, former owner or occupant after, **15:77**
  - vendee in possession, **15:84**
- Agent as petitioner, **15:218, 15:219**
- Alterations, breach of covenant restricting, **15:11-15:15**
- Answer
  - generally, **15:355**
  - caption, **15:362**
  - content of answer
    - generally, **15:364**
    - counterclaims, below
    - defenses, **15:366**
    - denials, **15:365**
    - verification, **15:380**
  - counterclaims, below
  - default arising from failure to answer
  - defenses, content of answer, **15:366**
  - denials, **15:365**
  - excusable default, **15:388, 15:389**
  - form of answer
    - generally, **15:358**
    - caption, **15:362**
    - oral, **15:359**
    - quality, size, legibility, and language, **15:361**
    - service and filing, **15:363**
    - written, **15:360-15:361**
  - jury demand
    - generally, **15:381**
    - jury waivers, **15:383, 15:384**
    - when to make, **15:382**
  - meritorious defense, vacating default, **15:389**
  - oral, **15:359**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Answer—Cont'd
  - quality, size, legibility, and language, **15:361**
  - service and filing, **15:363**
  - timing of answer, **15:357**
  - vacating a default arising from failure to answer
    - generally, **15:386**
    - excusable default, **15:388, 15:389**
    - meritorious defense, **15:389**
    - required elements, **15:387**
  - verification, **15:380**
  - who may answer, **15:356**
  - written form, **15:360-15:361**
- Assignee of rents as petitioner, **15:220**
- Assignment, covenant not to assign, **15:23**
- Attorney as improper petitioner, **15:418, 15:419**
- Attorney as petitioner, **15:218, 15:219**
- Attorney issuing notice of petition, **15:405**
- Attorneys' fees
  - generally, **15:631 et seq.**
  - advance notice of intent to recover
    - fees may not be required, **15:640**
  - American rule, **15:631**
  - bona fides of party's claim or defense is not dispositive, **15:638**
  - commercial tenants must negotiate right to legal fees, **15:633**
  - counterclaims, **15:369**
  - entitlement predicated on "ultimate outcome," **15:641**
  - prevailing party, **15:635, 15:637**
  - proceedings resolved by stipulation, **15:639**
  - residential tenants have reciprocal rights, **15:632**
  - same action or proceeding, **15:642**
  - section 8 tenant, **15:643**
  - statutory tenancies, **15:634**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Attorney verification
  - defects in, **15:459**
  - form, **15:656**
  - petition, **15:293**
- Certificates and certification
  - defenses, certificate of eviction requirement, **15:474**
  - notice of termination, NYC Section 8 tenants, certification procedure for, **15:206-15:208**
- Civil Court of City of NY** (this index)
- Closing arguments, trial procedures, **15:585**
- Commercial lease
  - attorneys' fees, commercial tenants must negotiate right to, **15:633**
  - content of petition, **15:280**
  - service of process, **15:334-15:337**
  - staying warrant (commercial tenants), **15:627-15:629**
- Common law
  - antecedents, **15:2**
  - right to "self-help," **15:87**
- Condominiums
  - board of managers
    - as petitioner, **15:221**
    - petition defects as to parties' interests, **15:421**
  - unit occupied by unregulated tenant, **15:282**
  - unit owners as improper respondents, **15:428**
- Conform pleadings to the proof, motion to, **15:588**
- Corporations
  - service of process, corporate respondent or employee, **15:309-15:311**
  - statement of petitioner's interest
    - corporate petitioner, **15:247-15:249**
    - foreign corporations, **15:248-15:249**
  - statement of respondent's interest, **15:253**

## HOLDOVER PROCEEDINGS

### —Cont'd

- Corporations—Cont'd
  - verification
    - corporate petitioner, **15:290**
    - form, **15:654**
- Counterclaims
  - generally, **15:367**
  - attorneys' fees, **15:369**
  - compulsory counterclaims excep-  
tion, **15:379**
  - defective conditions, failure to  
disclose, **15:370**
  - exception for compulsory  
counterclaims, **15:379**
  - exception for "inextricably  
related" counterclaims,  
**15:368-15:374**
  - failure to disclose defective condi-  
tions, **15:370**
  - failure to provide utilities (electric-  
ity, heat, and/or hot water),  
**15:376**
  - Fair Credit Reporting Act (federal  
and state) violations, **15:378**
  - intentional infliction of mental and  
emotional distress, **15:377**
  - mental and emotional distress,  
intentional infliction of,  
**15:377**
  - rent overcharge, **15:371, 15:372**
  - retaliatory eviction, **15:373**
  - severance of unrelated  
counterclaims
    - generally, **15:375-15:378**
    - failure to provide utilities  
(electricity, heat, and/or hot  
water), **15:376**
    - intentional infliction of mental  
and emotional distress,  
**15:377**
  - trial procedures, **15:584**
  - utilities (electricity, heat, and/or  
hot water), failure to provide,  
**15:376**
  - warranty of habitability, **15:374**
- Cultivation agreement, against  
occupant under, **15:75**

## HOLDOVER PROCEEDINGS

### —Cont'd

- Cure of lease violations
  - notice of cure, forms (Form 15-1),  
**15:644**
  - notice to cure, failure to serve,  
**15:469**
  - staying warrant (NYC residential  
tenants)
    - compare, when cure must be  
completed, **15:616**
    - compare, when post-judgment  
cure afforded tenant despite  
statutory nature of breach,  
**15:617**
    - extending cure period, **15:615**
  - stipulations to cure, **15:548,**  
**15:658**
- Default arising from failure to answer
  - generally, **15:385**
  - excusable default, **15:388, 15:389**
  - factual particulars, reciting, **15:391**
  - filing non-military affidavit
    - generally, **15:390**
    - factual particulars, reciting,  
**15:391**
    - sanctions for irregularities,  
**15:392**
  - meritorious defense, **15:389**
  - sanctions for affidavit irregulari-  
ties, **15:392**
- vacating a default
  - generally, **15:386**
  - excusable default, **15:388,**  
**15:389**
  - meritorious defense, **15:389**
  - required elements, **15:387**
- Defenses
  - generally, **15:366, 15:393-**  
**15:15:517**
  - asserting alternative grounds for  
removal
    - generally, **15:454**
    - statement of service of predicate  
notices, defects in, **15:455-**  
**15:456**
    - verification, defects in, **15:457-**  
**15:459**
  - warranty of habitability, **15:460**



## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

##### Defenses—Cont'd

certificate of eviction requirement,  
**15:474**

description defective  
generally, **15:431**  
amendment of errors, **15:435**  
apartment number missing or  
misidentified, **15:432**  
incomplete description, **15:433**  
omission of map or plan  
attached to pleadings,  
**15:434**

##### eviction

certificate of eviction require-  
ment, **15:474**

retaliatory eviction, below

##### harassment

generally, **15:502-15:204**  
commercial tenant, **15:504**  
residential tenant, **15:503**

##### jurisdiction objections

affidavit of service, **15:400**  
detailed and specific require-  
ment, **15:396**  
in personam jurisdiction, court  
lacks, **15:395-15:401**  
NYC process server testimony,  
**15:398-15:399**  
predicate notices defective,  
**15:394**  
subject matter jurisdiction, court  
lacks, **15:393-15:394**  
traverse hearings, **15:397-15:400**  
waiver of service-related objec-  
tions, **15:401**

##### nonprimary residence

generally, **15:475**  
examples of defeated claims,  
**15:478**  
examples of landlord's demon-  
stration of, **15:477**  
factors of pertinence, **15:476**  
incurable nature of conduct,  
**15:479**

nonrenewal notice, accepting rent  
after, **15:488**

### HOLDOVER PROCEEDINGS

#### —Cont'd

##### Defenses—Cont'd

nonrenewal notice, defective  
generally, **15:471**  
insufficient facts supporting  
grounds for nonrenewal,  
**15:472**

untimely notice, **15:473**

notice of petition, defects in  
generally, **15:403**

clerk's endorsement, **15:404**

court name and venue omitted,  
**15:408**

hearing date and time, **15:406**

issuance or notice by attorney or  
landlord, compared, **15:405**

misleading notice of petition,  
**15:407**

party's name or status, misstate-  
ment, **15:409**

##### party not in possession

generally, **15:480**  
factual determination, **15:483**  
removal after proceeding's com-  
mencement, **15:482**  
removal before proceeding's  
commencement, **15:481**

##### petition, defects in

generally, **15:410**

##### agent

as improper petitioner, **15:418**  
petitioner not identified as,  
**15:413**

attorney as improper petitioner,  
**15:418**

caption defects, **15:411-15:414**

##### description defective

generally, **15:431**  
amendment of errors, **15:435**  
apartment number missing or  
misidentified, **15:432**  
incomplete description,  
**15:433**  
omission of map or plan  
attached to pleadings,  
**15:434**

## HOLDOVER PROCEEDINGS

### —Cont'd

Defenses—Cont'd  
 petition, defects in—Cont'd  
   fictitious name, known respondent identified by, **15:229, 15:414**  
   multiple dwelling registration statement defects  
     generally, **15:436**  
     authorization to get certified copy of statement, **15:443**  
     de facto multiple dwellings and lofts, **15:440**  
     failure to attach registration receipt to pleadings, **15:442, 15:443**  
     failure to register, **15:441**  
     field registration statement, errors or omissions as correctable, **15:444**  
     lapses in registrations are correctable, **15:439**  
     lofts and de facto multiple dwellings, **15:440**  
     recital errors are amendable, **15:438**  
     waiver of irregularity, **15:445**  
     whether registration requirements apply when no rent sought or no landlord-tenant relationship exists, **15:437**  
 parties' interests, defects as to  
   generally, **15:415**  
   agent or attorney as improper petitioner, **15:418**  
   condominium board of managers, **15:421**  
   condominium unit owners as improper respondents, **15:428**  
   description defective, above former receiver as improper petitioner, **15:422**  
   guarantors as improper respondents, **15:430**  
   improper petitioners, **15:417-15:422**

## HOLDOVER PROCEEDINGS

### —Cont'd

Defenses—Cont'd  
 petition, defects in—Cont'd  
   parties' interests, defects as to  
     —Cont'd  
     improper respondents, **15:427-15:430**  
     irregularity as basis for vacating default, **15:420**  
     power of attorney holder as improper petitioner, **15:419**  
     proper petitioners, **15:416**  
     proper respondents, **15:423-15:426**  
     section 8 tenants NYC as proper respondent, **15:425**  
     subtenants as proper respondents, **15:426**  
     tenant's estate as proper respondent, **15:424**  
     tenant's estate once lease expired as improper respondents, **15:429**  
   party's name or status, misstatement, **15:412**  
   recitation of facts authorizing removal, defects in  
     generally, **15:450**  
     example, nonprimary residence (NYC), **15:452**  
     when landlord-tenant relationship absent, **15:451**  
     when unit is owner occupancy (NYC), **15:453**  
 rent-regulatory status statement defects  
   generally, **15:446**  
   section 8 tenants NYC, **15:449**  
   subsidized housing, **15:448, 15:449**  
   whether failure to allege correct rent-regulatory status of premises is fatal defect, **15:447**  
 section 8 tenants NYC  
   as proper respondent, **15:425**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Defenses—Cont'd
  - petition, defects in—Cont'd
    - section 8 tenants NYC—Cont'd
      - rent-regulatory status state-  
ment defects, **15:449**
    - pleading-related defects, generally,  
**15:402-15:473**
  - predicate notice, defective or  
deficient
    - generally, **15:461**
    - amendment of notice, **15:462**
    - equivocal notice, **15:468**
    - failure to serve notice
      - notice of termination, **15:470**
      - notice to cure, **15:469**
    - service of predicate notice,  
**15:466-15:467**
  - signatory improper
    - generally, **15:463**
    - compare, no prior dealings,  
**15:465**
    - prior notice of authority,  
**15:464**
  - waiver of defects in statement of  
service of predicate notices,  
**15:456**
  - waiver of service objections,  
**15:467**
- rent acceptance
  - generally, **15:484**
  - after proceeding's commence-  
ment, **15:490, 15:491**
  - before proceeding's commence-  
ment, **15:485-15:487**
  - mere receipt, consequences,  
**15:487**
  - reinstating regulated tenancy  
after notice of nonrenewal,  
effect on, **15:488**
  - sufficiency to create tenancy,  
**15:486**
  - use and occupancy
    - distinguished, **15:491**
  - waiver as violating public  
policy, **15:489**
- retaliatory eviction
  - generally, **15:492**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Defenses—Cont'd
  - retaliatory eviction—Cont'd
    - not defense to nonpayment of  
rent, **15:494**
  - penalties, **15:501**
  - presumption of retaliation
    - complaint to governmental  
agency, **15:496**
    - judgment, inspection, or order  
issued against landlord,  
**15:498**
    - rebuttal of presumption,  
**15:499**
    - tenant sought to enforce rights  
against landlord, **15:497**
    - triggering elements, **15:495**
    - when not applicable, **15:500**
  - waiver of, **15:493**
- succession rights to rent-regulated  
premises
  - generally, **15:505**
  - companions, defined, **15:507-  
15:510**
  - family member, defined, **15:506**
  - length of occupancy, **15:511**
  - primary residence, **15:512**
- verification defective
  - generally, **15:457**
  - attorney's verification, **15:459**
  - notarial errors, **15:458**
- waiver and estoppel
  - generally, **15:513**
  - compare, when renewal lease  
issues before or after  
"Golub" notice, **15:520**
  - compare, when renewal lease  
issues in accordance with  
regulatory scheme require-  
ments during ongoing liti-  
gation, **15:519**
  - compare, whether landlord's  
conduct can create  
regulated tenancy, **15:518**
  - legitimate settlement negotia-  
tions, delay due to, **15:515**
  - nonwaiver clauses, **15:517**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

#### **Defenses—Cont'd**

- waiver and estoppel—Cont'd
  - notice-related defects, statement of service of predicate notices, **15:456**
  - petition, defects in
    - multiple dwelling registration statement defects
    - waiver of irregularity, **15:445**
  - pets, **15:514**
  - predicate notice defective or deficient, waiver of service objections, **15:456, 15:467**
  - procedural infirmity, discontinuance on consent premised on, **15:516**
  - rent acceptance, waiver as violating public policy, **15:489**
  - retaliatory eviction, waiver of, **15:493**
  - statutory waivers, **15:514-15:515**

#### **Definitions**

- companions, **15:507-15:510**
- family member, **15:506**
- predicate notices, **15:92**

#### **Demolition**

- ETPA grounds, **15:66**
- rent-control premises, **15:47**
- RSC premises, **15:62**

#### **Denials in answer, 15:365**

#### **Description of premises**

- generally, **15:259, 15:431**
- amendment of errors, **15:435**
- apartment number
  - missing or misidentified, **15:432**
  - requirement, **15:260**
- complete, **15:262**
- defective
  - generally, **15:431**
  - amendment of errors, **15:435**
  - apartment number missing or misidentified, **15:432**
  - incomplete description, **15:433**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

#### **Description of premises—Cont'd**

- defective—Cont'd
  - map or plan of premises not attached to pleadings, **15:434**

#### **incomplete description, 15:433**

- map or plan attached to petition omission of, **15:434**
- required, **15:261**

#### **Disabled persons exemption, 15:49, 15:50, 15:58**

#### **Disclosure of defective conditions, failure to, 15:370**

#### **Dismiss, motion to, 15:523, 15:524, 15:587**

#### **Distinguished from nonpayment proceedings, 15:7**

#### **Duplicate key, breach of covenant to provide landlord with, 15:17**

#### **Emergency Tenant Protection Act (“ETPA”), grounds under**

- generally, **15:63**
- access by landlord, tenant’s refusal to permit, **15:64**

#### **demolition, 15:66**

#### **nonprimary residence, 15:67**

#### **owner occupancy**

- generally, **15:68**
- exemption for senior citizen, the disabled, and long-term tenants, **15:69**

- maximum two units may be recovered, **15:70**

#### **renew lease, tenant’s refusal to, 15:65**

#### **tenants, generally, 15:66**

#### **withdrawal of unit from rental market, 15:71**

#### **Emotional distress, counterclaim, 15:377**

#### **Emotional-support animals, 15:19**

#### **Employment, occupancy incidental to, 15:86**

#### **Estate of tenant as respondent, 15:224, 15:225**

#### **Estoppel, 15:526**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

#### Eviction

certificate of eviction requirement,  
**15:474**

#### defenses

certificate of eviction require-  
ment, **15:474**

retaliatory eviction, below

notice of eviction, content of  
generally, **15:599**

additional notice of eviction  
after thirty days or stay of  
eviction, **15:603**

calculating earliest eviction date,  
**15:600-15:602**

distinguishing “eviction” and  
“legal possession,” **15:605-  
15:608**

inventory, preparation of written  
inventory, **15:604**

items which may not be  
removed, **15:609**

landlord’s liability for remaining  
personalty, **15:608**

parties against whom warrant  
enforceable, **15:612**

Social Service Call-Ins, **15:611**

notice of eviction and warrant,  
**15:598**

remedy for default, final judgment  
and warrant of eviction,  
**15:552, 15:553**

#### retaliatory eviction

generally, **15:492**

not defense to nonpayment of  
rent, **15:494**

penalties, **15:501**

#### presumption of retaliation

complaint to governmental  
agency, **15:496**

judgment, inspection, or order  
issued against landlord,  
**15:498**

rebuttal of presumption,  
**15:499**

tenant sought to enforce rights  
against landlord, **15:497**

triggering elements, **15:495**

### HOLDOVER PROCEEDINGS

#### —Cont'd

#### Eviction—Cont'd

retaliatory eviction—Cont'd  
presumption of retaliation

#### —Cont'd

when not applicable, **15:500**

waiver of retaliatory eviction  
defense, **15:493**

#### termination grounds

non-purchasing tenant in non-  
eviction conversion plan,  
**15:57**

non-purchasing tenant under  
eviction conversion plan,  
**15:49, 15:50**

warrant of eviction, **15:552,  
15:553, 15:598**

Execution sale, against judgment  
debtor after, **15:74**

Fair Credit Reporting Act (federal  
and state) violations,  
counterclaims, **15:378**

Fees on fees, **15:636**

Fictitious name, known respondent  
identified by, **15:229, 15:414**

Forcible or unlawful entry, **15:85**

Foreclosure, occupant after, **15:78**

Former owner, **15:83**

Former owner or occupant after tax  
sale, **15:77**

Former receiver as petitioner, **15:222**

#### Forms

answer with counterclaim, **15:657**

#### cure lease violation

notice to cure (Form 15-1),  
**15:644**

stipulation where tenant agrees  
to cure (Form 15-16),  
**15:658**

nonrenewal, notice of, **15:645**

#### notice

cure, notice to (Form 15-1),  
**15:644**

nonrenewal, notice of, **15:645**

#### petition, notice of

NYC Civil Court, **15:649**

NYC Civil Courts, **15:649**

NY State City Courts, **15:650**

## HOLDOVER PROCEEDINGS

### —Cont'd

Forms—Cont'd  
 notice—Cont'd  
   petition, notice of—Cont'd  
     NY State District Courts,  
       **15:651**  
     quit, ten day notice to, **15:646**  
     termination, notice of, **15:648**  
     termination, thirty day notice of,  
       **15:647**  
 NYC Civil Court notice of petition,  
   **15:649**  
 NYC Civil Courts notice of petition,  
   **15:649**  
 NY State City Courts notice of petition,  
   **15:650**  
 NY State District Courts notice of petition,  
   **15:651**  
 petition, holdover petition, **15:652**  
 petition, notice of  
   NYC Civil Court, **15:649**  
   NYC Civil Courts, **15:649**  
   NY State City Courts, **15:650**  
   NY State District Courts, **15:651**  
 quit, ten day notice to, **15:646**  
 renewal, notice of nonrenewal,  
   **15:645**  
 stipulation where tenant agrees to cure lease violation, **15:658**  
   vacate lease premises, **15:659**  
 ten day notice to quit, **15:646**  
 termination  
   notice of, **15:648**  
   thirty day notice of, **15:647**  
 thirty day notice of termination,  
   **15:647**  
 vacate lease premises, stipulation where tenant agrees to,  
   **15:659**  
 verification  
   attorney verification form,  
     **15:656**  
   corporate verification form,  
     **15:654**  
   individual verification form,  
     **15:653**  
   partnership verification form,  
     **15:655**

## HOLDOVER PROCEEDINGS

### —Cont'd

Golub notice compared to waiver and estoppel, **15:520**  
 Governmental agency, retaliatory eviction complaint to, **15:496**  
 Governmental petitioner's verification, **15:292**  
 Governmental respondent  
   predicate notices, **15:198-15:204**  
   service of process, **15:313**  
   statement of respondent's interest,  
     **15:256**  
 Government subsidized housing,  
   New York State programs,  
     **19:223, 19:224**  
 Grounds for holdover proceeding generally,  
   **15:8-15:86**  
   access, breach of covenant providing,  
     **15:10**  
   access to rent-control premises, tenant's refusal to permit landlord,  
     **15:41**  
   access to RSC premises by landlord, tenant's refusal to permit,  
     **15:52**  
   against non-tenant  
     generally, **15:73-15:86**  
     cultivation agreement, occupant under,  
       **15:75**  
     employment, occupancy incidental to, **15:86**  
     forcible or unlawful entry, **15:85**  
     foreclosure, occupant after,  
       **15:78**  
     former owner, **15:83**  
     former owner or occupant after tax sale, **15:77**  
     judgment debtor after execution sale, **15:74**  
     licensee, **15:80-15:82**  
     life estate, occupant after termination of, **15:79**  
     squatter, **15:76**  
     tax sale, former owner or occupant after, **15:77**  
     vendee in possession, **15:84**  
   alterations, breach of covenant restricting, **15:11-15:15**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Grounds for holdover proceeding
  - Cont'd
  - demolition of rent-control premises, **15:47**
  - demolition of RSC premises, **15:62**
  - duplicate key, breach of covenant to provide landlord with, **15:17**
  - Emergency Tenant Protection Act (“ETPA”), grounds under
    - generally, **15:63**
    - access by landlord, tenant’s refusal to permit, **15:64**
    - demolition, **15:66**
    - nonprimary residence, **15:67**
    - owner occupancy, **15:68-15:70**
    - renew lease, tenant’s refusal to, **15:65**
    - withdrawal of unit from rental market, **15:71**
  - immoral or illegal use or occupancy, tenant’s
    - generally, **15:33**
    - both landlords and tenants, proceedings maintainable by, **15:37-15:39**
    - double jeopardy defense, unavailability, **15:36**
    - evidence relevant, **15:38**
    - nature and frequency of activity, **15:39**
    - notice required for rent-regulated units, **15:35**
    - NY Real Prop. Acts Law, Sec 711(5), **15:34**
  - licensee, proceeding against
    - generally, **15:80**
    - marital disputes exception, **15:81**
    - mortgagee or vendee in possession exception, **15:82**
  - life estate, occupant after termination of, **15:79**
  - manufactured-home tenants, **15:72**
  - nonprimary residence, RSC premises, **15:55**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Grounds for holdover proceeding
  - Cont'd
  - nonprofit institution recovery of RSC premises, **15:60**
  - nuisance, **15:32**
  - pets, breach of covenant to not to maintain, **15:18-15:20**
  - profiteering, RSC premises, **15:59**
  - renew lease, RSC tenant’s refusal to, **15:53**
  - rent, breach of covenant to pay, **15:21**
  - rent-control, termination grounds under
    - generally, **15:40**
    - access to landlord, tenant’s refusal to permit, **15:41**
    - demolition, **15:47**
    - non-purchasing tenant under eviction conversion plan, **15:49, 15:50**
    - not using premises for own dwelling, tenant, **15:44-15:46**
    - occupancy by landlord or immediate family, **15:42, 15:43**
    - senior citizens and disabled persons exemption, **15:49, 15:50**
    - withdrawal of unit from rental market, **15:48**
- Rent Stabilization Code (“RSC”), grounds under
  - generally, **15:51**
  - access by landlord, tenant’s refusal to permit, **15:52**
  - demolition, **15:62**
  - illegal sublease, **15:54**
  - nonprimary residence, **15:55**
  - nonprofit institution, recovery by, **15:60**
  - owner occupancy
    - generally, **15:56**
    - non-purchasing tenants in “non-eviction” conversion plans, exemption, **15:57**



## HOLDOVER PROCEEDINGS

### —Cont'd

Grounds for holdover proceeding

#### —Cont'd

Rent Stabilization Code (“RSC”),  
grounds under—Cont'd

owner occupancy—Cont'd

senior citizens and disabled  
persons, exemption,  
**15:58**

profiteering, **15:59**

renew lease, tenant’s refusal to,  
**15:53**

withdrawal of unit from rental  
market, **15:61**

security deposit, breach of cove-  
nant to furnish landlord,  
**15:22**

squatter, **15:76**

sublease of RSC premises illegal,  
**15:54**

sublet or assign, breach of cove-  
nant not to, **15:23**

substantial obligation of tenancy  
breached by tenant  
generally, **15:9**

access, covenant providing,  
**15:10**

alterations, covenant restricting,  
**15:11-15:15**

generally, **15:11**

structural vs non-structural  
modifications, **15:12-  
15:14**

tests used to ascertain differ-  
ence, **15:15**

duplicate key, covenant to  
provide landlord with,  
**15:17**

pets, covenant to not to  
maintain, **15:18**

rent, covenant to pay, **15:21**

security deposit, covenant to  
furnish landlord, **15:22**

sublet or assign, covenant not to,  
**15:23**

use and occupy premises for  
specific purposes, covenant  
to, **15:25**

use clauses, **15:26-15:29**

## HOLDOVER PROCEEDINGS

### —Cont'd

Grounds for holdover proceeding

#### —Cont'd

substantial obligation of tenancy  
breached by tenant—Cont'd  
washing machine, covenant not  
to install, **15:30**

use and occupy premises for  
specific purposes, breach of  
covenant to, **15:25**

use clauses breached by tenant  
generally, **15:26**

NYC home occupations, **15:27**

permitted home occupations,  
**15:28**

prohibited home occupations,  
**15:29**

washing machine, breach of cove-  
nant not to install, **15:30**

withdrawal of rent-control unit  
from rental market, **15:48**

withdrawal of RSC unit from  
rental market, **15:61**

Guarantors as improper respondents,  
**15:430**

Guarantors as respondents, **15:226,  
15:430**

Harassment

generally, **15:502-15:204**

commercial tenant, **15:504**

residential tenant, **15:503**

Hearing and trial

generally, **15:572-15:590**

adjournments

generally, **15:576**

excessive adjournments by  
landlord, **15:579**

NYC Civil Court

generally, **15:577**

content of notice of petition  
(NYC), **15:578**

trial motions

generally, **15:586**

conform pleadings to the proof,  
motion to, **15:588**

dismiss, motion to, **15:587**

trial procedures

generally, **15:580**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Hearing and trial—Cont'd
  - trial procedures—Cont'd
    - affirmative defenses and counterclaims, **15:584**
    - opening statements, **15:581**
  - prima facie case, petitioner's generally, **15:582**
  - use and occupancy, **15:583**
  - summations, **15:585**
- trier of fact
  - generally, **15:573**
  - NYC Civil Court Housing Judges, **15:574**
- Historical perspective, **15:1-15:3**
- Illegal rents, enforcement of stipulations, **15:456**
- Illegal sublease or subletting
  - disclosure, ample need requirement, **15:535**
  - Rent Stabilization Code (“RSC”), grounds under, **15:54**
- Illegal use or occupancy, grounds
  - generally, **15:33**
  - both landlords and tenants, proceedings maintainable by, **15:37-15:39**
  - double jeopardy defense, unavailability, **15:36**
  - evidence relevant, **15:38**
  - nature and frequency of activity, **15:39**
  - notice, predicate notices, **15:102**
  - notice required for rent-regulated units, **15:35**
  - NY Real Prop. Acts Law, Sec 711(5), **15:34**
- Immoral or illegal use or occupancy, tenant's
  - generally, **15:33**
  - both landlords and tenants, proceedings maintainable by, **15:37-15:39**
  - double jeopardy defense, unavailability, **15:36**
  - evidence relevant, **15:38**
  - nature and frequency of activity, **15:39**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Immoral or illegal use or occupancy, tenant's—Cont'd
  - notice required for rent-regulated units, **15:35**
  - NY Real Prop. Acts Law, Sec 711(5), **15:34**
- Immoral use or occupancy, grounds
  - generally, **15:33**
  - both landlords and tenants, proceedings maintainable by, **15:37-15:39**
  - double jeopardy defense, unavailability, **15:36**
  - evidence relevant, **15:38**
  - nature and frequency of activity, **15:39**
  - notice required for rent-regulated units, **15:35**
  - NY Real Prop. Acts Law, Sec 711(5), **15:34**
  - predicate notices, **15:102**
- In personam jurisdiction, court lacks generally, **15:395**
  - objection must be detailed and specific, **15:396**
  - traverse hearings, **15:397-15:400**
- Intentional infliction of mental and emotional distress, counterclaim, **15:377**
- Joinder of tenant's estate when lease expires, **15:225**
- Judgment and warrant
  - generally, **15:591-15:630**
  - judgment
    - generally, **15:591**
    - amendments to judgment, **15:592**
    - breach, stipulated amounts of interest recoverable, **15:596**
    - defects, judgment, **15:593**
    - enforcement of money judgment, **15:594**
    - interest on money, **15:595-15:596**
    - judicially imposed protections have not been sanctioned, **15:597**

## HOLDOVER PROCEEDINGS

### —Cont'd

- Judgment and warrant—Cont'd
  - notice of eviction, and warrant, **15:598**
  - notice of eviction, content of
    - generally, **15:599**
    - additional notice of eviction
      - after thirty days or stay of eviction, **15:603**
    - calculating earliest eviction date, **15:600-15:602**
    - distinguishing “eviction” and “legal possession,” **15:605-15:608**
    - inventory, preparation of written inventory, **15:604**
    - items which may not be removed, **15:609**
    - landlord’s liability for remaining personalty, **15:608**
    - parties against whom warrant enforceable, **15:612**
    - Social Service Call-Ins, **15:611**
  - staying warrant (commercial tenants)
    - generally, **15:627**
    - length of stay, not indefinite or excessive, **15:629**
    - requirement tenant show entitlement to stay, **15:628**
  - staying warrant (NYC residential tenants)
    - generally, **15:613**
    - authorization by N.Y.C.P.L.R. 2281, **15:618**
    - entitlement to stay may not be waiver
      - generally, **15:623**
      - additional stay-related relief, **15:624**
    - referral of post-trial applications, **15:621-15:620**
    - when proceeding based on lease violations
      - generally, **15:614**
      - compare, when cure must be completed, **15:616**

## HOLDOVER PROCEEDINGS

### —Cont'd

- Judgment and warrant—Cont'd
  - staying warrant (NYC residential tenants)—Cont'd
    - when proceeding based on lease violations—Cont'd
      - compare, when post-judgment cure is afforded tenant despite statutory nature of breach, **15:617**
      - extending cure period, **15:615**
      - when tenant cannot ascertain new dwelling, **15:619-15:620**
    - staying warrant (outside NYC)
      - when inapplicable, **15:626**
      - when tenant cannot locate new dwelling, **15:625**
    - vacating warrant, **15:630**
  - Judgment debtor after execution sale, **15:74**
  - Jurisdiction
    - generally, **15:88**
    - in personam jurisdiction, court lacks
      - generally, **15:395**
      - objection must be detailed and specific, **15:396**
      - traverse hearings, **15:397-15:400**
    - subject matter jurisdiction, court lacks
      - generally, **15:393**
      - defective predicate notices, **15:394**
    - traverse hearings
      - generally, **15:397**
      - affidavit of service, **15:400**
      - testimony of process server in NYC, **15:398-15:399**
    - waiver of service-related objections, **15:401**
  - Jury trial
    - generally, **15:381**
    - equitable claims or defenses, **15:384**
    - lease agreement waiving jury trial, **15:383**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Jury trial—Cont'd
  - waivers, **15:383, 15:384**
  - when to make demand, **15:382**
- Licensee, against, **15:80-15:82**
- Licensee, proceeding against
  - generally, **15:80**
  - marital disputes exception, **15:81**
  - mortgagee or vendee in possession exception, **15:82**
- Life estate, occupant after termination of, **15:79**
- Lofts
  - generally, **18:178**
  - content of petition, **15:270**
  - grounds for holdover proceeding, **18:180, 18:181**
  - multiple-dwelling registration statement
    - non-NYC, **15:440**
    - NYC, **15:270**
  - notice, **18:183**
  - NYC multiple-dwelling registration statement, **15:270**
  - petition defects, **15:440**
  - registration, **18:179**
  - subletting grounds, **18:181**
- Manufactured-home tenants, **15:72**
- Mental and emotional distress, counterclaims, **15:377**
- Military service
  - affidavit of non-military status, **15:390-15:392**
  - notice of petition, **15:238**
- Motion practice
  - generally, **15:521-15:543**
  - bill of particulars
    - generally, **15:542**
    - compare, ample need, **15:541**
  - calendar practice, **15:522**
  - disclosure
    - generally, **15:528**
    - ample need requirement
      - generally, **15:529**
      - bill of particulars, compared, **15:541**
    - illegal subletting, **15:535**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Motion practice—Cont'd
  - disclosure—Cont'd
    - ample need requirement—Cont'd
      - medical issues, **15:537**
      - nonprimary residence, **15:531, 15:532**
      - owner's use, **15:533-15:534**
      - reciprocal disclosure, tenant's entitlement, **15:532**
      - succession rights, **15:536**
      - superfluous or cumulative disclosure discouraged, **15:534**
  - exceptions
    - generally, **15:538**
    - notice to admit, **15:539**
    - notice to produce, **15:540**
    - noncompliance, possessory judgment for, **15:541**
    - surveillance evidence, **15:530**
  - dismiss, motion to, **15:523, 15:524**
  - failure to oppose motion, **15:527**
  - predicate notices, impact of dismissal on, **15:524**
  - summary judgment, motion for, **15:525**
  - surveillance evidence, **15:530**
- Multiple-dwelling registration
  - authorization to get certified copy of statement, **15:443**
  - authorization to secure certified copy of registration statement, NYC, **15:272, 15:273**
  - de facto multiple dwellings
    - non-NYC, **15:440**
    - NYC, **15:269**
  - defects regarding registration statement, generally, **15:436-15:445**
  - failure to attach registration receipt to pleadings, **15:442**
    - non-NYC, **15:443**
    - NYC, **15:271**
  - failure to register, **15:441**

## HOLDOVER PROCEEDINGS

### —Cont'd

Multiple-dwelling registration

#### —Cont'd

field registration statement, errors  
or omissions as correctable,  
**15:444**

lapses in registrations, correction  
after proceeding commenced

non-NYC, **15:439**

NYC, **15:273**

lofts

non-NYC, **15:440**

NYC, **15:270**

NYC premises, statement of

multiple dwelling registration

generally, **15:266**

apply when no rent sought or no  
landlord-tenant relationship  
exists, **15:267**

authorization to secure certified  
copy of registration state-  
ment, **15:272, 15:273**

de facto multiple dwellings,  
**15:269**

failure to attach registration  
receipt, **15:271**

lapse of registration, correction  
after proceeding com-  
menced, **15:273**

lofts, **15:270**

what petition must allege,  
**15:268**

recital errors are amendable,  
**15:438**

waiver of irregularities in state-  
ment, **15:445**

what petition must allege, NYC,  
**15:268**

when no rent sought or no  
landlord-tenant relationship  
exists, whether to require  
statement

non-NYC, **15:437**

NYC, **15:267**

New York City Civil Court

notice of petition

form, **15:649**

## HOLDOVER PROCEEDINGS

### —Cont'd

New York City Civil Courts

adjournments, **15:577-15:578**

Housing Judges as trier of fact,  
**15:574**

notice of petition

form, **15:649**

special rule, **15:211**

service of process, postcard  
requirement, residential cases  
only, **15:352-15:354**

Nonpayment proceedings

distinguished, **15:7**

Nonprimary residence, defense

generally, **15:475**

examples of defeated claims,  
**15:478**

examples of landlord's demonstra-  
tion of, **15:477**

factors of pertinence, **15:476**

incurable nature of conduct,  
**15:479**

Nonprimary residence, RSC

premises, **15:55**

Nonprofit institution recovery of RSC

premises, **15:60**

Nonrenewal. notice of nonrenewal,  
below

Notarial errors, verification defects,  
**15:458**

Notice, predicate notices, below

Notice of nonrenewal

generally, **15:119**

accepting rent after, **15:488**

defective, **15:471-15:473**

under ETPR

generally, **15:136**

nonprimary residence, **15:137**

owner occupancy, **15:138**

withdrawal from rental market,  
**15:139**

under RSC

generally, **15:120**

demolition, **15:135**

missing window period, conse-  
quences of, **15:121**

nonprimary residence, **15:122-15:128**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Notice of nonrenewal—Cont'd
  - under RSC—Cont'd
    - nonprofit institution, recovery by, **15:133**
    - owner occupancy, **15:129-15:132**
    - withdrawal of unit from rental market, **15:134**
- Notice of petition
  - Generally, **15:209-15:238**
  - commencement by order to show cause, **15:212**
  - content on notice
    - generally, **15:230**
    - date and time of hearing, **15:232**
    - nonappearance of respondent, import of, **15:233**
    - NYC, additional notice requirements, **15:235**
    - place of hearing, **15:231**
    - relief landlord seeks, **15:234, 15:235**
  - form of notice
    - generally, **15:213-15:229**
    - caption, **15:215**
    - language, **15:214**
    - legibility, **15:214**
    - NY State District Court, form, **15:632**
    - parties, below
      - quality, **15:214**
      - size, **15:214**
  - military service notice, **15:238**
  - NYC Civil Court's special rule, **15:211**
  - overview, **15:209**
  - parties
    - generally, **15:216**
    - agent or attorney, **15:218, 15:219**
    - assignee of rents, **15:220**
    - condominium board of managers, **15:221**
    - fictitious name, known respondent identified by, **15:229, 15:414**
    - former receiver, **15:222**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Notice of petition—Cont'd
  - parties—Cont'd
    - guarantors, **15:226**
    - joinder of tenant's estate when lease expires, **15:225**
  - petitioner
    - generally, **15:217**
    - agent or attorney, **15:218, 15:219**
    - assignee of rents, **15:220**
    - condominium board of managers, **15:221**
    - former receiver, **15:222**
  - respondents
    - generally, **15:223**
    - fictitious name, known respondent identified by, **15:229, 15:414**
    - guarantors, **15:226**
    - joinder of tenant's estate when lease expires, **15:225**
    - section 8 tenants, NYC, **15:227, 15:425**
    - subtenants, **15:228**
    - tenant's estate, **15:224, 15:225**
    - section 8 tenants, NYC, **15:227, 15:425**
    - subtenants, **15:228**
  - satisfying statutory requirements, Official Notice as, **15:236-15:238**
  - show cause order, commencement by, **15:212**
  - waiver of "no counterclaim" lease clause, **15:237**
  - who may issue, **15:210-15:212**
- Notice to cure
  - generally, **15:103**
  - ETPA, **15:112-15:115**
  - failure to serve notice, **15:469**
  - forms, **15:644**
  - lease-mandated
    - generally, **15:104**
    - conditional limitation and rent defaults, **15:105**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

- Notice to cure—Cont'd
  - lease-mandated—Cont'd
    - content of notice, **15:106**
  - statute-mandated
    - generally, **15:107**
    - content of statutory notice
      - generally, **15:116**
      - examples, **15:117-15:118**
  - EPTA grounds, **15:112-15:115**
  - New York City Rent Control
    - violation of tenancy obligation, **15:109**
  - Rent Stabilization Law violation
    - of tenancy obligation, **15:110-15:111**
  - State Rent Control violation
    - of tenancy obligation, **15:108**
  - stipulation where tenant agrees to
    - cure lease violation, **15:658**
- Nuisance, **15:32**
- Occupancy restrictions, **15:24**
- Opening statements, **15:581**
- Owner occupancy grounds under
  - Emergency Tenant Protection Act ("ETPA")
    - generally, **15:68**
    - exemption for senior citizen, the disabled, and long-term tenants, **15:69**
    - maximum two units may be recovered, **15:70**
- Parties
  - generally, **15:216**
  - agent or attorney, **15:218, 15:219**
  - assignee of rents, **15:220**
  - condominium board of managers, **15:221**
  - condominium unit owner, **15:428**
  - fictitious name, known respondent
    - identified by, **15:229, 15:414**
  - former receiver, **15:222**
  - guarantors, **15:226, 15:430**
  - joinder of tenant's estate when
    - lease expires, **15:225**
  - petitioner, **15:217-15:222**
  - prevailing party attorneys' fees, **15:635, 15:637**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

- Parties—Cont'd
  - receiver, former, **15:222**
  - respondents, generally, **15:223-15:229**
  - section 8 tenants, NYC, **15:227, 15:425**
  - subtenants, **15:228**
- Partnership
  - petitioner verification, **15:291, 15:655**
  - respondent, service of process, **15:312**
- Party not in possession, defense
  - generally, **15:480**
  - factual determination, **15:483**
  - removal after proceeding's commencement, **15:482**
  - removal before proceeding's commencement, **15:481**
- Petition
  - content of petition
    - generally, **15:244**
    - certification statement, **15:277**
    - corporate petitioner's statement of interest, **15:247-15:249**
    - description of premises
      - generally, **15:259**
      - apartment number requirement, **15:260**
      - complete, **15:262**
      - map or plan attached to petition, **15:261**
    - facts on which proceeding based, **15:264**
    - foreign corporation petitioner's statement of interest, **15:248-15:249**
    - relief sought, **15:286**
    - service of predicate notices, statement, **15:265**
    - square footage, use of, **15:263**
    - statement of multiple dwelling registration for NYC premises
      - generally, **15:266**
      - authorization to secure certified copy of registration



## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Petition—Cont'd
  - content of petition—Cont'd
    - statement of multiple dwelling registration for NYC premises—Cont'd statement, **15:272, 15:273**
    - de facto multiple dwellings, **15:269**
    - failure to attach registration receipt, **15:271**
    - lapse of registration, correction after proceeding commenced, **15:273**
    - lofts, **15:270**
    - what petition must allege, **15:268**
    - whether registration requirements apply when no rent sought or no landlord-tenant relationship exists, **15:267**
  - statement of petitioner's interest
    - generally, **15:245**
    - corporate petitioner, **15:247-15:249**
    - detailed factual recitation not required, **15:246**
    - foreign corporations, **15:248-15:249**
  - statement of rent-regulatory status
    - generally, **15:274**
    - applicability or exemption, rent regulation's commercial premises, **15:280**
    - condominium unit occupied by unregulated tenant, **15:282**
    - cooperative unit occupied by unregulated tenant, **15:281**
    - NYC, **15:279**
    - rent-controlled unit, **15:283**
    - rent-stabilized unit, **15:284**
    - two-family home, **15:285**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Petition—Cont'd
  - content of petition—Cont'd
    - statement of rent-regulatory status—Cont'd
      - NYC section 8 tenants, **15:276-15:278**
      - subsidized housing, **15:275**
    - statement of respondent's interest
      - generally, **15:250**
      - compare whether petition must recite dates of lease's execution, commencement, and expiration, **15:251**
      - corporate respondent, **15:253**
      - employee respondent, **15:254**
      - licensee respondent, **15:255**
      - municipal or governmental respondent, **15:256**
      - necessary parties, **15:252**
      - squatter respondent, **15:257**
      - unknown tenants, undertenants, or occupants, **15:258**
    - statement of service of predicate notices, **15:265**
  - form of petition
    - generally, **15:240**
    - attorney's endorsement, **15:243**
    - caption, **15:241**
    - language, **15:240**
    - legibility, **15:240**
    - parties, **15:242**
    - quality, **15:240**
    - size, **15:240**
  - notice of petition, above
  - notices, predicate
    - content of petition, statement of service of predicate notices, **15:265**
  - overview, **15:239**
  - section 8 tenants, NYC
    - statement of rent-regulatory status, **15:276-15:278**
  - verification
    - generally, **15:287**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

Petition—Cont'd  
 verification—Cont'd  
   attorney, **15:293**  
   corporate petitioner, **15:290**  
   form of verification, **15:288**  
   governmental petitioner, **15:292**  
   partnership petitioner, **15:291**  
   who may verify, **15:289-15:293**  
 Pets, **15:18-15:20, 15:514**  
 Predicate notices  
   generally, **15:92-15:208**  
   amendment of notice, **15:97, 15:462**  
   cure, notice to  
     generally, **15:103-15:118**  
     failure to serve, **15:469**  
     lease-mandated, **15:104-15:106**  
     statute, required by, **15:104-15:118**  
   defective or deficient  
     generally, **15:461**  
     amendment of notice, **15:462**  
     equivocal notice, **15:468**  
     failure to serve notice  
       notice of termination, **15:470**  
       notice to cure, **15:469**  
     service of predicate notice, **15:466-15:467**  
     signatory improper  
       generally, **15:463**  
       compare, no prior dealings, **15:465**  
       prior notice of authority, **15:464**  
     waiver of defects in statement of service of predicate notices, **15:456**  
     waiver of service objections, **15:467**  
   defined, **15:92**  
   equivocal notice, **15:468**  
   expired lease, **15:98-15:101**  
   failure to serve notice  
     notice of termination, **15:470**  
     notice to cure, **15:469**  
   filing copies with DHCR, **15:114**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

Predicate notices—Cont'd  
   illegal or immoral use or  
     occupancy by unregulated  
     tenant, **15:102**  
   nonrenewal, notice of  
     generally, **15:119**  
     under ETPR, **15:136-15:139**  
     under RSC, **15:120-15:133**  
   quit, ten day notice to, **15:646**  
   service of predicate notice, **15:96, 15:466-15:467**  
   signatory improper  
     generally, **15:463**  
     compare, no prior dealings, **15:465**  
     prior notice of authority, **15:464**  
   ten day notice to quit, **15:646**  
   termination, notice of  
     generally, **15:140-15:208**  
     at will or at sufferance tenancy, **15:143-15:147**  
   ETPA tenants, **15:175-15:185**  
   federally-subsidized tenants, **15:205**  
   governmental and municipal  
     tenants, notice of claim  
     against, **15:198-15:204**  
   manufactured-home park tenants, **15:197**  
   month-to-month tenants, **15:155-15:162**  
   nonexistent landlord-tenant relationship, **15:148-15:154**  
   NYC rent-stabilized tenants, **15:163-15:174**  
   NYC Section 8 tenants, certification procedure for, **15:206-15:208**  
   rent-controlled tenants, **15:186-15:196**  
   when required by lease, **15:141**  
   when required by statute, generally, **15:142-15:208**  
   waiver of defects in statement of service of predicate notices, **15:456**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Predicate notices—Cont'd
  - waiver of service objections, **15:467**
  - when not required
    - generally, **15:98**
    - expired lease, **15:98-15:101**
    - illegal or immoral use or occupancy by unregulated tenant, **15:102**
    - who may issue notice, **15:93-15:95**
- Presumptions
  - retaliatory eviction, **15:495-15:501**
  - service of process by mail, presumption of regularity and receipt, **15:339**
  - signed agreement considered understood and accepted, **15:557**
- Process server
  - affidavit of service, **15:400**
  - inability to produce license or other records, **15:398**
  - testimony, traverse hearings, **15:398**
- Profiteering, RSC premises, **15:59**
- Pro se litigants, **15:565, 15:575**
- Punitive lease valuations, unenforceability, **15:6**
- Purpose, **15:4-15:7**
- Quit, ten day notice to, **15:646**
- Receiver, former receiver as petitioner, **15:222**
- Renew lease, RSC tenant's refusal to, **15:53**
- Rent, breach of covenant to pay, **15:21**
- Rent acceptance, defense, **15:484-15:491**
- Rent-control, termination grounds under
  - generally, **15:40**
  - access to landlord, tenant's refusal to permit, **15:41**
  - demolition, **15:47**
  - non-purchasing tenant under eviction conversion plan, **15:49, 15:50**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Rent-control, termination grounds under—Cont'd
  - not using premises for own dwelling, tenant, **15:44-15:46**
  - occupancy by landlord or immediate family, **15:42, 15:43**
  - senior citizens and disabled persons exemption, **15:49, 15:50**
  - withdrawal of unit from rental market, **15:48**
- Rent overcharge
  - counterclaims, **15:371, 15:372**
  - enforcement of stipulations, **15:456**
- Rent Stabilization Code ("RSC"), grounds under
  - generally, **15:51**
  - access by landlord, tenant's refusal to permit, **15:52**
  - demolition, **15:62**
  - illegal sublease, **15:54**
  - nonprimary residence, **15:55**
  - nonprofit institution, recovery by, **15:60**
  - owner occupancy
    - generally, **15:56**
    - non-purchasing tenants in "non-eviction" conversion plans, exemption, **15:57**
    - senior citizens and disabled persons, exemption, **15:58**
  - profiteering, **15:59**
  - renew lease, tenant's refusal to, **15:53**
  - withdrawal of unit from rental market, **15:61**
- Rent Stabilization Code ("RSC"), notice of nonrenewal under
  - generally, **15:120**
  - demolition, **15:135**
  - missing window period, consequences of, **15:121**
  - nonprimary residence, **15:122-15:128**
  - nonprofit institution, recovery by, **15:133**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

Rent Stabilization Code (“RSC”),  
notice of nonrenewal under  
—Cont'd  
owner occupancy, **15:129-15:132**  
withdrawal of unit from rental  
market, **15:134**

Retaliatory eviction  
generally, **15:492**  
counterclaims, **15:373**  
not defense to nonpayment of rent,  
**15:494**  
penalties, **15:501**  
presumption of retaliation  
complaint to governmental  
agency, **15:496**  
judgment, inspection, or order  
issued against landlord,  
**15:498**  
rebuttal of presumption, **15:499**  
tenant sought to enforce rights  
against landlord, **15:497**  
triggering elements, **15:495**  
when not applicable, **15:500**  
waiver of retaliatory eviction  
defense, **15:493**

Satellite dishes, **15:16**

Section 8 tenants, NYC  
attorney fees, **15:643**  
notice of certification procedure  
for termination, **15:206-15:208**  
rent-regulatory status statement  
defects, **15:449**  
respondents, **15:227, 15:425**

Security deposit, breach of covenant  
to furnish landlord, **15:22**

Self-help, common law right to,  
**15:87**

Senior citizens exemption, **15:20, 15:49, 15:50, 15:58**

Service of process  
generally, **15:294-15:354**  
absent respondent  
commercial tenants, **15:336, 15:337**  
residential respondents, **15:332, 15:333**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

Service of process—Cont'd  
affidavit of service, **15:400**  
answer, **15:363**  
commercial tenants  
generally, **15:334**  
during business hours, **15:335**  
when respondent absent, **15:336, 15:337**

conspicuous place service  
generally, **15:325**  
absent respondent  
commercial tenants, **15:336, 15:337**  
residential respondents,  
**15:332, 15:333**

commercial tenants  
generally, **15:334**  
during business hours, **15:335**  
when respondent absent,  
**15:336, 15:337**

mailing requirement  
generally, **15:338**  
presumption of regularity and  
receipt, **15:339**

reasonable application standard  
generally, **15:326**  
commercial tenants, **15:334-15:337**  
residential respondents,  
**15:327-15:333**

residential respondents  
generally, **15:327**  
before normal work hours,  
**15:328**  
during normal rest hours,  
**15:330**  
during regular business hours,  
**15:329**  
religious holidays, **15:331**  
Sundays, **15:331**  
weekends, **15:328**  
when respondent absent,  
**15:332, 15:333**  
when complete, **15:340**

corporate employee, **15:311**  
corporate respondent, **15:309-15:311**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Service of process—Cont'd  
defective filing of proof of service, **15:349**  
delivery to judge, filing proof of service, **15:351**  
employees of  
corporation, **15:311**  
landlord or building, **15:320**  
respondent, **15:318, 15:319**  
filing proof of service  
generally, **15:346**  
defects, filing, **15:349**  
delivery to judge, **15:351**  
late filings, **15:350**  
what to file, **15:348**  
when to file, **15:347**  
governmental respondent, **15:313**  
guests of respondent, **15:321**  
jurisdiction objections, **15:401**  
late filing of proof of service, **15:350**  
limiting statutory requirements, lease may not, **15:295**  
mailing requirement  
generally, **15:338, 15:341**  
business respondent, **15:343**  
conspicuous place service, **15:338, 15:339**  
individual respondent, **15:342**  
presumption of regularity and receipt, **15:339, 15:345**  
using full and complete address and zip, **15:344**  
methods of service  
generally, **15:304-15:340**  
conspicuous place service, above  
personal service, generally, **15:305-15:314**  
substituted service, generally, **15:315-15:322**  
minors, service on, **15:317**  
neighbors of respondent, **15:321**  
NYC Civil Court “postcard requirement, residential cases only  
generally, **15:352**

### HOLDOVER PROCEEDINGS

#### —Cont'd

Service of process—Cont'd  
NYC Civil Court “postcard requirement, residential cases only—Cont'd  
content of postcard, **15:353**  
sanction for noncompliance, **15:354**  
partnership respondent, **15:312**  
personal service  
generally, **15:305**  
corporate employee, **15:311**  
corporate respondent, **15:309-15:311**  
governmental respondent, **15:313**  
partnership respondent, **15:312**  
Secretary of State, **15:310**  
when complete, **15:314**  
where to make, **15:306**  
postcard, NYC Civil Court “postcard requirement, residential cases only, **15:352-15:354**  
predicate notice, **15:96, 15:466-15:467**  
reasonable application standard  
generally, **15:326**  
commercial tenants, **15:334-15:337**  
residential respondents, **15:327-15:333**  
religious holidays, **15:331**  
residential respondents  
generally, **15:327**  
before normal work hours, **15:328**  
during normal rest hours, **15:330**  
during regular business hours, **15:329**  
religious holidays, **15:331**  
Sundays, **15:331**  
weekends, **15:328**  
when respondent absent, **15:332, 15:333**  
Secretary of State, **15:310**  
substituted service  
generally, **15:315**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

Service of process—Cont'd  
 substituted service—Cont'd  
   employees of landlord or building, **15:320**  
   employees of respondent, **15:318, 15:319**  
   made at premises requirement, **15:322**  
   mailing requirement, **15:323**  
   minors, service on, **15:317**  
   neighbors and guests of respondent, **15:321**  
   subtenant of tenant, **15:319**  
   suitable age and discretion requirement, **15:316, 15:317**  
   when complete, **15:324**  
   subtenant of tenant, **15:319**  
   suitable age and discretion requirement, **15:316, 15:317**  
   timing of service efforts, notice of petition and petition generally, **15:301**  
   too little notice, **15:303**  
   too much notice, **15:302**  
   traverse hearings, affidavit of service, **15:400**  
   waiver of service-related objections, **15:401**  
   weekends, **15:328**  
   when complete  
     conspicuous place service, **15:340**  
     personal service, **15:314**  
     substituted service, **15:324**  
   when respondent absent  
     commercial tenants, **15:336, 15:337**  
     residential respondents, **15:332, 15:333**  
   who may serve process  
     generally, **15:296**  
     licensing requirements  
       inability of process server to present license or other records, **15:299**  
       NYC, **15:298**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

Service of process—Cont'd  
   who may serve process—Cont'd  
     record-keeping requirements, **15:297**  
     who must be served, **15:300**  
   Severance of unrelated counterclaims, **15:375-15:376**  
   Show cause order, commencement by, **15:212**  
   Social Service Call-Ins, notice of eviction content, **15:611**  
   Squatters  
     grounds, **15:76**  
     statement of respondent's interest, **15:257**  
   Stipulations  
     generally, **15:544-15:571**  
     drafting agreement  
       generally, **15:547**  
       remedy for default, below, **15:549**  
       when respondent agrees to cure, **15:548**  
       when respondent agrees to vacate, **15:549**  
     enforcement of stipulations  
       generally, **15:558**  
       allocation requisites with pro se litigants (NYC), **15:565**  
     de minimis defaults  
       generally, **15:559**  
       excusing defaults to avoid forfeiture, **15:561**  
       probationary period, default during, **15:560**  
     rent overcharges, illegal rents, or waivers of rent regulations, **15:456**  
     waivers of statutory rights, **15:456, 15:563**  
   form of stipulation, **15:546**  
   procedure, **15:545**  
   remedy for default  
     generally, **15:550**  
     attorneys' fees, **15:554**  
     final judgment and warrant of eviction, **15:552, 15:553**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Stipulations—Cont'd
  - remedy for default—Cont'd
    - restoration of case to court calendar, **15:551**
    - termination of proceeding, **15:555**
  - third party, rent tendered by, **15:556**
  - vacating the stipulation
    - generally, **15:458, 15:566**
    - fraud, collusion, or mistake, **15:567-15:569**
    - misapplication of stipulated payments, **15:568**
    - party not represented by attorney, **15:571**
    - rent tender by third party, rejection of, **15:569**
    - unjust or harsh terms, **15:570**
- Subject matter jurisdiction, court lacks
  - generally, **15:393**
  - defective predicate notices, **15:394**
- Subleases and subletting
  - breach of covenant not to, **15:23**
  - disclosure of illegal subletting, ample need requirement, **15:535**
  - RSC premises illegal, **15:54**
- Substantial obligation of tenancy breached by tenant
  - generally, **15:9**
  - access, covenant providing, **15:10**
  - alterations, covenant restricting, **15:11-15:15**
    - generally, **15:11**
    - structural vs non-structural modifications, **15:12-15:14**
    - tests used to ascertain difference, **15:15**
  - duplicate key, covenant to provide landlord with, **15:17**
  - pets, covenant to not to maintain, **15:18**
  - rent, covenant to pay, **15:21**
  - security deposit, covenant to furnish landlord, **15:22**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Substantial obligation of tenancy breached by tenant—Cont'd
  - sublet or assign, covenant not to, **15:23**
  - use and occupy premises for specific purposes, covenant to, **15:25**
  - use clauses, **15:26-15:29**
  - washing machine, covenant not to install, **15:30**
- Subtenants as respondents, **15:228**
- Succession rights to rent-regulated premises
  - generally, **15:505**
  - companions
    - defined, **15:507**
    - factors demonstrative of “emotional and financial relationship,” **15:508-15:510**
  - family member, defined, **15:506**
  - length of occupancy, **15:511**
  - primary residence, **15:512**
- Summary remedy, **15:3**
- Summations, trial procedures, **15:585**
- Surrender of possession, joinder of tenant's estate, **8:65**
- Tax sale, former owner or occupant after, **15:77**
- Ten day notice to quit, **15:646**
- Third party, rent tendered pursuant to stipulation, **15:556**
- Time issues
  - answer, timing of, **15:357**
  - jury demand, when to make, **15:382**
  - “time is of the essence,” **15:562**
- Traverse hearings
  - generally, **15:397**
  - affidavit of service, **15:400**
  - testimony of process server in NYC, **15:398-15:399**
- Trial motions
  - generally, **15:586**
  - conform pleadings to the proof, motion to, **15:588**
  - dismiss, motion to, **15:587**



## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

- Trial procedures
  - generally, **15:580**
  - affirmative defenses and counterclaims, **15:584**
  - opening statements, **15:581**
  - prima facie case, petitioner's generally, **15:582**
  - use and occupancy, **15:583**
  - summations, **15:585**
- Trial transcripts, **15:589**
- Trier of fact
  - generally, **15:573**
  - NYC Civil Court Housing Judges, **15:574**
- Use and occupancy, purpose, **15:5-15:6**
- Use and occupy premises for specific purposes, breach of covenant to, **15:25**
- Use clauses breached by tenant
  - generally, **15:26**
  - NYC home occupations, **15:27**
  - permitted home occupations, **15:28**
  - prohibited home occupations, **15:29**
- Utilities (electricity, heat, and/or hot water), failure to provide, **15:376**
- Vendee in possession, **15:84**
- Venue, **15:89-15:91**
- Verification
  - answer, **15:380**
  - attorney verification
    - defects in, **15:459**
    - form, **15:656**
    - petition, **15:293**
  - corporate verification
    - form, **15:654**
    - petition, **15:290**
  - defects in verification
    - generally, **15:457**
    - attorney verification, **15:459**
    - notarial errors, **15:458**
  - form
    - generally, **15:288**
    - attorney verification, **15:656**

## **HOLDOVER PROCEEDINGS**

### **—Cont'd**

- Verification—Cont'd
  - form—Cont'd
    - corporate verification, **15:654**
    - individual verification, **15:653**
    - partnership verification, **15:655**
  - governmental verification of petition, **15:292**
  - grounds for removal, defective verification, **15:457-15:560**
  - individual verification, form, **15:653**
  - notarial errors, **15:458**
  - partnership verification
    - form, **15:655**
    - petitioner, **15:291**
  - petition, generally, **15:287-15:293**
  - who may verify, **15:289-15:293**
- Waiver and estoppel
  - generally, **15:513**
  - delay reasonable, **15:515**
  - non-waiver clauses, **15:516**
  - pets, **15:514**
  - public policy violations, **15:517**
  - regulated tenancy created by landlord conduct, **15:518**
  - renewal lease issues, **15:519-15:520**
  - statutory waivers, **15:514-15:515**
- Waiver of "no counterclaim" lease clause, **15:237**
- Waiver of rent regulations, **15:564**
- Waiver of service-related objections, **15:401**
- Warranty of habitability, **9:16, 9:94**
- Washing machine, breach of covenant not to install, **15:30**
- "Wholly unusable" premises, **15:31**
- Who may answer, **15:356**
- Who may issue notice of petition, **15:210-15:212**
- Withdrawal of rent-control unit from rental market, **15:48**
- Withdrawal of RSC unit from rental market, **15:61**
- Withdrawal of unit from rental market under ETPA, **15:71, 15:139**

## INDEX

### HOLIDAYS

Rent and other charges, time for payment, **6:7**

### HOMELESS SHELTERS

Americans With Disabilities Act, **5:64**

Race discrimination, concentration in minority communities, **5:133**

### HOME OCCUPATIONS

Termination of lease, New York City, **13:59 et seq.**

### HOME PROGRAM

Generally, **19:104-19:119**

Amount of assistance, **19:109**

Amount of rent, **19:113, 19:114**

Contract of assistance, **19:108**

Eligible housing, **19:105, 19:106**

Income qualifications, **19:110, 19:111**

Increases in rent, **19:114**

Landlord obligations, **19:115**

Mixed housing, **19:106**

Preferences, **19:111**

Rental agreement, **19:112**

Rental assistance, **19:107-19:109**

Responsibilities of participating jurisdiction, **19:118**

Security deposits, **19:117**

Selection of tenants, **19:110, 19:111**

Tenant obligations, **19:116, 19:117**

Termination of tenancy, **19:119**

### HOMICIDE

Premises liability, failure to disclose that property was location of, **12:209**

### HOSPITALS

Rent control and rent stabilization, nonprimary residence cases, **11:453**

### HOTELS

Generally, **2:160-2:162**

Americans With Disabilities Act, **5:65**

Illegal evictions, **16:394**

Rent control and rent stabilization, **11:66, 11:79, 11:99**

### HOT WATER

**Heat and Hot Water** (this index)

### HOUSING DEVELOPMENT FUND

Low-income turnkey-housing trust fund program, **19:275**

### HOUSING DEVELOPMENT FUND COMPANIES

Low-income turnkey-housing trust fund program, **19:277**

### HOUSING MAINTENANCE CODE

HP proceedings, **16:224, 16:225**

### HP PROCEEDINGS

Generally, **16:221-16:307**

Affidavit. Petition or affidavit, below

Attorneys' fees, **16:307**

Certificate of correction, **16:253, 16:259-16:261**

Challenge to charges for repairs, **16:241**

Challenge to HPD lien, **16:240**

Completion of repairs, **16:279**

Condominium as owner, **16:244**

Contempt proceedings, **16:304, 16:305**

Control by respondent as element, **16:274**

Corporate veil, piercing, **16:245, 16:246**

Costs and expenses, recoupment of, **16:239**

Defenses, **16:277 et seq., 16:291**

Department of Housing, Preservation and Development, **16:237-16:241**

Economic infeasibility, **16:281, 16:282**

Emergency Repair Program

generally, **16:238-16:241**

challenge to charges for repairs, **16:241**

challenge to HPD lien, **16:240**

costs and expenses, recoupment of, **16:239**

Evacuated tenants, **16:230, 16:231**

Extension of time to correct violations, **16:258, 16:287**

## HP PROCEEDINGS—Cont'd

Failure of owner to correct  
generally, **16:288 et seq.**  
defenses in mitigation of penalties,  
**16:291**  
false certification of correction,  
**16:300**  
hazardous (Class B) violations,  
**16:296**  
heat or hot water, failure to  
provide, **16:298**  
illegal heating system, **16:299**  
immediately hazardous (Class C)  
violations, **16:297 et seq.**  
mitigation, **16:291 et seq.**  
non-hazardous (Class A) viola-  
tions, **16:295**  
penalties, **16:291, 16:294 et seq.**  
procedure, **16:289 et seq.**  
proof of mitigation or elements  
thereof, **16:292**  
service, **16:290**  
False certification of correction,  
**16:300**  
Fees, **16:270, 16:271**  
Forms  
affidavit in support of order to  
show cause to restore to  
calendar for compliance hear-  
ing and to assess civil penal-  
ties, **16:475**  
judgment for civil penalties,  
**16:476**  
order to show cause, **16:471,**  
**16:474**  
verification, **16:473**  
verified petition in support of order  
to show cause, **16:472**  
Governing statutes, **16:222 et seq.**  
Hazardous (Class B) violations,  
**16:252, 16:256, 16:296**  
Heat or hot water, failure to provide,  
**16:298**  
Housing Maintenance Code, **16:224,**  
**16:225**  
Illegal heating system, **16:299**  
Immediately hazardous (Class C)  
violations, **16:252, 16:256,**  
**16:297 et seq.**

## HP PROCEEDINGS—Cont'd

Judgments, **16:306**  
Jurisdiction, **16:227, 16:278**  
Licensees, **16:232, 16:233**  
Managing agent as owner, **16:247**  
Mitigation, **16:291 et seq.**  
Multiple Dwelling Law, **16:226**  
New York City as owner, **16:248**  
New York City Civil Court Act,  
**16:223**  
Non-hazardous (Class A) violations,  
failure of owner to correct,  
**16:295**  
Notice of pendency, **16:272**  
Notice of violation  
generally, **16:250-16:261**  
certificate of correction, **16:253,**  
**16:259-16:261**  
content of notice, **16:254-16:261**  
extension of time to correct viola-  
tions, **16:258**  
failure to issue, **16:250**  
hazardous or immediately hazard-  
ous violations, **16:252,**  
**16:256**  
issuance, **16:250-16:252**  
reinspection following certificate  
of correction, **16:253, 16:261**  
service of notice, **16:255, 16:256**  
time to correct violations, **16:257,**  
**16:258**  
Order to correct, **16:285 et seq.**  
Owner, defined, **16:243-16:248**  
Ownership or other control by  
respondent as element, **16:274**  
Penalties, failure of owner to correct,  
**16:291, 16:294 et seq.**  
Petitioners, **16:229-16:235**  
Petition or affidavit  
generally, **16:263-16:266**  
relief sought, **16:265**  
required allegations, **16:264**  
verification, **16:266**  
Place of service, **16:268**  
Prerequisites to initiation of proceed-  
ing, **16:249-16:253**  
Prima facie elements, **16:273-16:276**  
Procedure, **16:222 et seq.**

## INDEX

### HP PROCEEDINGS—Cont'd

- Proof of service, **16:269**
- Reinspection following certificate of correction, **16:253, 16:261**
- Rent-regulated tenants, **16:234**
- Respondents, **16:242-16:248**
- Service
  - generally, **16:267-16:269**
  - failure of owner to correct, **16:290**
  - notice of violation, **16:255, 16:256**
- Settlement of fines, **16:302 et seq.**
- Squatters, **16:233**
- Standing of tenant, **16:280**
- Subtenants, **16:235**
- Tenancy as element, **16:275**
- Time to correct violations, **16:257, 16:258**
- Verification, **16:266, 16:473**
- Violations as element, **16:276**
- Waiver of court fees, **16:271**

### HUDSON RIVER VALLEY GREENWAY ACT

- Environmental liability, **12:158**

### HUMAN RIGHTS LAW (NY)

- Generally, **5:71-5:94**
- Advertising, discriminatory, **5:78**
- Age discrimination, limits on ban, **5:88**
- Blind persons, nursing home discrimination against, **5:92**
- Blockbusting, **5:83**
- Commercial space, **5:91**
- Concurrent jurisdiction, **5:94**
- Disabled persons, **5:81, 5:90**
- Exemptions
  - generally, **5:87-5:90**
  - age discrimination, limits on ban, **5:88**
  - disabled persons, discounts to, **5:90**
  - religious organizations, **5:89**
- Financing, discrimination in, **5:85, 5:86**
- Misrepresentation of availability of housing, **5:77**
- Nursing home discrimination against blind persons, **5:92**

### HUMAN RIGHTS LAW (NY)

#### —Cont'd

- Protected classes, discrimination prohibited against, **5:72-5:74**
- Record-keeping, discriminatory, **5:79**
- Refusing to rent or sell to members of protected classes, **5:76**
- Religious organizations, **5:89**
- Remedies. **Discrimination** (this index)
- Retaliation, **5:84**
- Services or rights, failure to provide, **5:80**
- State Division of Human Rights, administration by, **5:93, 5:94**
- “Unlawful discriminatory practices,” defined, **5:75-5:86**
- Zoning, exclusionary, **5:82**

### HUMAN RIGHTS LAW (NYC)

- Generally, **5:105-5:124**
- Advertising, discriminatory, **5:114**
- Blockbusting, **5:116**
- Commercial property, **5:124**
- Commission on Human Rights, administration by, **5:107**
- Discriminatory housing practices prohibited, **5:111-5:118**
- Exemptions
  - generally, **5:119-5:123**
  - minors as applicants, **5:121**
  - private home rentals, **5:120**
  - religious organizations, **5:123**
  - senior citizen housing, **5:122**
- Lending practices, discriminatory, **5:117**
- Minors as applicants, **5:121**
- Private home rentals, **5:120**
- Protected classes, **5:108-5:110**
- Record-keeping, discriminatory, **5:115**
- Refusing to rent or sell to members of protected classes, **5:112**
- Religious organizations, **5:123**
- Remedies. **Discrimination** (this index)
- Retaliation, **5:118**
- Senior citizen housing, **5:122**

**HUMAN RIGHTS LAW (NYC)**

—**Cont'd**

Services or rights, refusing to provide, **5:113**

**HUSBAND AND WIFE**

Spouses (this index)

**IDENTITY**

Article 7-A proceedings, **16:73, 16:74**

Attorneys' fees and costs, prevailing party, **4:249**

Lease agreements, **4:20, 4:44-4:46**

**IGNORANCE**

Rent control and rent stabilization, **11:57**

**ILLEGAL EVICTIONS**

Generally, **16:368 et seq.**

Affidavit, content of, **16:398**

Agents of landlord, **16:390**

City as landlord, **16:391, 16:392**

Commercial property, **16:384, 16:393**

Common law, **16:375, 16:376**

Constructive evictions, **16:372**

Damages

compensatory damages, **16:417, 16:418**

punitive damages, below  
treble damages, below

Defendants, **16:389**

Discretion of court, treble damages, **16:410**

Ejectment, **16:424**

Emotional distress, **16:419**

Employees of landlord, **16:390**

"English" rule, **16:374**

Forcible entry and detainer statutes, **16:377 et seq.**

Forms

order to show cause for restoration and damages, **16:481, 16:485**

verification (corporate), **16:484, 16:488**

verification (individual), **16:483, 16:487**

verified petition in support of order to show cause for restoration and damages, **16:482, 16:486**

**ILLEGAL EVICTIONS—Cont'd**

Governmental agency as landlord, **16:392**

Historical perspective, **16:373**

Hotel owners, **16:394**

**Illegal evictions, New York City**  
(this index)

Insurance coverage, **16:412, 16:416**

Judgment of possession later reversed, tenant evicted pursuant to, **16:387**

Jurisdictional considerations, **16:401**

Legal evictions, **16:370, 16:371**

Licensees, **16:436**

Loss of profits, **16:418**

Manufactured home parks, **16:385, 16:395**

Modifications to common law, **16:376**

New tenant

generally, **16:425 et seq.**

factors impacting reinstatement, **16:426 et seq.**

procedure when new tenant is in place, **16:429**

vacatur by new tenant, **16:427, 16:428**

warrant of eviction, impact of, **16:430**

New York City. **Illegal evictions, New York City** (this index)

Nontenant occupants

Generally, **16:431 et seq.**

elements of proceeding, **16:433**

judicial discouragement of self-help, **16:440**

licensees, **16:436**

parties, **16:432**

peaceable, self-help with police assistance can be, **16:437 et seq.**

self-help evictions, **16:434 et seq.**

squatters, **16:435**

threat of imprisonment is forcible, **16:439**

**Occupancy Relationships Similar to Tenancies** (this index)

Peaceable, self-help with police assistance can be, **16:437 et seq.**

## INDEX

### ILLEGAL EVICTIONS—Cont'd

- Prime tenants, **16:396**
- Procedure, **16:397 et seq.**
- Punitive damages
  - generally, **16:413 et seq.**
  - insurance coverage proscribed, **16:416**
  - simultaneous award of treble and punitive damages, **16:414, 16:415**
  - treble damages, distinguished, **16:411**
- Reentry clause in lease, lock-out permitted by, **16:403**
- Remedies
  - generally, **16:404 et seq.**
  - compensatory damages, **16:417, 16:418**
  - ejectment, **16:424**
  - emotional distress, **16:419**
  - loss of profits, **16:418**
  - punitive damages, above restoration, below treble damages, below
- Respondents, **16:389**
- Restoration
  - generally, **16:420 et seq.**
  - factors considered, **16:421**
  - time frame for nontenant's occupancy, **16:422**
  - treble damages, restoration without, **16:423**
- Self help, **16:402, 16:434 et seq.**
- Squatters, **16:435**
- Statute of limitations, **16:400**
- Subtenants, **16:386**
- Summary eviction proceedings, emergence of, **16:377 et seq.**
- Thirty day test, **16:388**
- Threat of imprisonment is forcible, nontenant occupants, **16:439**
- Time frame for nontenant's occupancy, restoration, **16:422**
- Treble damages
  - generally, **16:405 et seq.**
  - application to tenant or other party holding possessory entitlements, **16:408, 16:409**
  - discretion of court, **16:410**

### ILLEGAL EVICTIONS—Cont'd

- Treble damages—Cont'd
  - history, **16:406**
  - insurance coverage proscribed, **16:412**
  - prohibited conduct, **16:407**
  - punitive damages, distinguished, **16:411**
  - restoration without treble damages, **16:423**
- Types of evictions, **16:369 et seq.**
- Types of tenants within statute, **16:383 et seq.**
- Vacatur by new tenant, **16:427, 16:428**
- Venue, **16:399**
- Verification, **16:483, 16:484, 16:487, 16:488**

### ILLEGAL EVICTIONS, NEW YORK CITY

- Generally, **16:442 et seq.**
- Civil penalties, **16:454, 16:456**
- Conduct proscribed, **16:452, 16:453**
- Criminal penalties, **16:454, 16:455**
- Failure to restore, **16:453**
- Licensees, **16:449**
- One and two family dwellings, **16:443**
- Parties exempt from law, **16:451**
- Parties subject to law, **16:445 et seq.**
- Squatters, **16:450**
- Tenants, **16:446**
- Thirty days, occupancy for more or fewer than, **16:444, 16:447, 16:448**

### ILLEGALITY

- Petition for Administrative Review (this index)

### ILLUMINATION

- Lights and Lighting (this index)

### ILLUSORY TENANCIES

- Generally, **2:21**
- Licenses, **3:26**
- Rent control and rent stabilization, **11:341**

## IMMIGRATION

Disabled persons, discrimination against, **5:188**

## IMMORAL OR ILLEGAL USE OF OCCUPANCY

Generally, **13:72 et seq.**

Drug sales, **13:74**

Emergency Tenant Protection Act tenants, **13:83**

Enforcement agencies, initiation of eviction procedures by, **13:79 et seq.**

Evidence, **13:81**

**Holdover Proceedings** (this index)

Lease agreements, **13:80**

Manufacturing, **13:75**

New York City rent-stabilized tenants, **13:84**

Other tenants, initiation of eviction procedures by, **13:79 et seq.**

Procedure, **13:82 et seq.**

Profiteering, **13:76**

Prostitution, **13:77**

Rent-controlled tenants, **13:85**

Sex clubs, **13:78**

Subsidized housing tenants, **13:86**

## IMMUNITIES

**Premises Liability** (this index)

## IMPROVEMENTS

**Lofts** (this index)

Property taxes, **4:212, 4:213**

## INCARCERATION

Contempt, **16:339, 16:341, 16:343**

Nonpayment proceedings, personal service on incarcerated respondent, **14:172**

## INCREASES IN RENT

Article 7-A proceedings, **16:122**

Government subsidized housing, New York City programs, 421-a tax exemption, **19:304**

HOME Program, **19:114**

Loan programs, federal, **19:132, 19:147, 19:160, 19:164, 19:165**

Loan programs, New York City, **19:291**

## INCREASES IN RENT—Cont'd

Lofts, rent regulation, **18:124-18:126**

Low-income housing trust-fund program, **19:258, 19:259**

Low-income turnkey-housing trust fund program, **19:271**

Manufactured home parks, **2:154**

**Rent Control and Rent Stabilization** (this index)

Rural rental assistance program, **19:286**

**Section 8 Housing Program** (this index)

Single room occupancy units (SROs), rent-stabilization, **18:207**

## INDIGENT PERSONS

**"Poor Person" Proceedings** (this index)

## INFANTS

**Children and Minors** (this index)

## INFERENCES

Administrative proceedings, **17:38**

## INFESTATION

Warranty of habitability, **9:49, 9:50**

## INITIAL CLIENT MEETING

Generally, **1:1-1:33, 1:176**

Appellate Division, conflict of interest, **1:6**

**Attorney-Client Privilege** (this index)

Checklist for interview, **1:176**

Chronological approach, **1:30**

Client's rights, preparation for meeting, **1:18**

Code of Professional Responsibility, conflict of interest, **1:5-1:7**

Conduct of meeting, **1:18-1:33**

Confirmation of office appointment by letter, **1:14**

Conflict of interest, check of, **1:4-1:7**

Evaluation of case, **1:33**

Facts, ascertainment of, **1:25-1:28**

Fee for consultation, advising client of, **1:15**

Merits of case, **1:45**

Motives of client, **1:45**



## INDEX

### INITIAL CLIENT MEETING

#### —Cont'd

- Narrative of client, ascertainment of facts, **1:26, 1:28**
- Objectives of client, determination of, **1:8**
- Office appointment, scheduling of, **1:11-1:15**
- Preliminary advice for urgent matters, **1:9, 1:10**
- Preliminary phone contact, **1:2-1:15**
- Preliminary research, preparation for meeting, **1:17**
- Preparation for meeting, **1:16-1:18**
- Punishment for violation of Code of Professional Responsibility, conflict of interest, **1:7**
- Questioning of client, **1:27, 1:28, 1:32**
- Rapport with client, conduct of meeting, **1:20-1:24**
- Relevant documents, bringing to office appointment, **1:13**
- Research, preparation for meeting, **1:17**
- Scheduling of office appointment, **1:11-1:15**
- Statute of limitations, preliminary advice, **1:10**
- Structure of interview, **1:29-1:33**
- Urgent matters, preliminary advice for, **1:9, 1:10**

### INJUNCTIVE RELIEF

- Discrimination, **5:211, 5:235, 5:236**
- HP Proceedings** (this index)
- Possession of property, **8:20, 8:22**
- Preliminary Injunctions** (this index)
- Quiet enjoyment, **10:53**
- Rent Strikes** (this index)
- Warranty of habitability, **9:105**
- Yellowstone Injunctions** (this index)

### INNS

- Americans With Disabilities Act, **5:65**

### INSPECTIONS

- Condition of premises, **4:164-4:167**
- Exclusivity of possession, **2:31**

### INSPECTIONS—Cont'd

- Loan programs, New York City, **19:293**
- Lofts, sale of rights, **18:170**
- Premises Liability** (this index)
- Recreational use immunity, **12:195**
- Section 8 Housing program, **19:65**

### INSURANCE

- Generally, **4:201-4:206**
- Illegal evictions, **16:412, 16:416**
- Landlord not obligated to compel coverage, **4:205**
- Mutual indemnification and insurance provisions, **4:202**
- Negligence of landlord, no exculpation for, **4:206**
- Rent control and rent stabilization, payment for improvements, **11:240**
- Terrorism coverage, **4:204**
- Third parties, liability to, **4:203**
- Waste, **10:135**

### INTENT

- Fair Housing Act** (this index)
- Lease agreements, **4:180**

### INTERCOM SYSTEMS

- Multiple dwelling law, **12:65**

### INTEREST

- Attorneys' fees and costs, **1:104**
- Lease agreements, **4:262**
- Security Deposits** (this index)
- Warranty of habitability, **9:115**

### INTERVENTION

- Article 7-A proceedings, **16:86, 16:151-16:154**
- Section 8 Housing program, Williams consent judgment, **19:88**

### INTRUDERS

- Squatters and Intruders** (this index)

### INVENTORY

- Nonpayment proceedings, **14:480**

### IRREGULARITY

- Petition for Administrative Review** (this index)

## **J-51 PROGRAM**

Generally, **19:296-19:300**  
 Affidavit of no harassment, **19:299**  
 Eligibility, **19:297**  
 Rental agreement, **19:300**  
 Rent regulation, **19:298**

## **JOINT LIABILITY**

Comprehensive Environmental  
 Response, Compensation, and  
 Liability Act of 1980, **12:132**

## **JUDGES**

**Bankruptcy** (this index)  
 Communication with opposing parties, **1:120**

## **JUDGMENTS AND DECREES**

Article 7-A proceedings, **16:101, 16:130**  
**Article 78 Proceedings** (this index)  
**Holdover Proceedings** (this index)  
 HP proceedings, **16:306**  
**Nonpayment Proceedings** (this index)

## **JUDICIAL ECONOMY**

Petition for administrative review, **17:94**  
 Rent strikes, consolidation of cases, **16:21**

## **JUDICIAL NOTICE**

Warranty of habitability, **9:101**

## **JURISDICTION**

Article 78 proceedings, **17:109, 17:143**  
**Concurrent Jurisdiction** (this index)  
**Holdover Proceedings** (this index)  
 HP proceedings, **16:227, 16:278**  
 Illegal evictions, **16:401**  
 Nonpayment proceedings, **14:11**  
**Rent Control and Rent Stabilization** (this index)  
**Warranty of Habitability** (this index)  
 Yellowstone injunctions, **16:205**

## **JURY TRIAL**

**Contempt** (this index)

## **JURY TRIAL—Cont'd**

Holdover proceedings, **15:381-15:384**  
 Lease agreements, **4:241, 4:284, 15:383**  
 Nonpayment proceedings, **14:240-14:244**  
 “Poor person” proceedings, fees, **16:349, 16:350**  
 Warranty of habitability, **9:95**

## **KITCHEN CABINETS**

Warranty of habitability, **9:51**

## **LABOR DISPUTES AND STRIKES**

Warranty of habitability, **9:80, 14:395**

## **LACHES**

**Nonpayment Proceedings** (this index)

## **LANDLORD, DEFINED**

Generally, **2:2-2:18**  
 Assignee as landlord, **2:7**  
 Employer as landlord, **2:13**  
 Fee title holder, not limited to, **2:4-2:18**  
 Lessors as landlords, **2:3**  
 Licensor as landlord, **2:12**  
 Mortgagee as landlord, **2:9**  
 Net lessee as landlord, **2:8**  
 Proprietary lessor as landlord, **2:15**  
 Purchaser as landlord, **2:10, 2:11**  
 Receiver as landlord, **2:6**  
 Rent and possession, entitlement to, **2:5-2:15**  
 Rent control, **2:16**  
 Rent stabilization, **2:17, 2:18**  
 Sublessor as landlord, **2:14**  
 Utility services, rent stabilization, **2:18**

## **LATE CHARGES**

Generally, **4:76-4:79**  
 Excessive late charges unenforceable, **4:77**  
 Manufactured home parks, **4:79**  
 Rent-regulated jurisdictions, **4:78**

## **LATENT DEFECTS**

Condition of premises, **10:71, 10:72**

## INDEX

### LEAD POISONING

- Generally, **12:72-12:91**
- Conditions conducive to lead poisoning, defined, **12:83**
- Drinking water, **12:74**
- Duty of owner, **12:90**
- Federal law, **12:73-12:81**
- Lead-based paint, defined, **12:88**
- Lead-based paint hazard, defined, **12:89**
- Lead paint, defined, **12:84**
- Lead pipes, defined, **12:85**
- New York City Lead Poisoning Prevention Act of 2003, **12:87 et seq.**
- New York State law, **12:82-12:86**
- Paint, generally, **12:75-12:80**
- Penalties for failure to abate, **12:86**
- Scope of federal law, **12:81**
- Target housing, lead-based paint, **12:77**
- Waiver of statutory benefit void, **12:91**
- Warning statement, lead-based paint, **12:78, 12:79**
- Warranty of habitability, **9:52**

### LEAKS

- Warranty of habitability, **9:53, 9:72**

### LEASE AGREEMENTS

- Generally, **4:1-4:349**
- Access, **4:198-4:200**
- Agents, ascertainable identity, **4:45**
- Agreements to lease, distinguished, **4:10**
- Amendments, **4:187, 4:188**
- Amount of rent. **Rent and Other Charges** (this index)
- Arbitration, **4:268, 4:269**
- Assignments, **4:290**
- Attorneys' Fees and Costs** (this index)
- Authorized occupants
  - generally, **4:112-4:160**
  - children, restrictions on, **4:158, 4:159**
  - discrimination, restrictions may constitute, **4:155-4:160**

### LEASE AGREEMENTS—Cont'd

- Authorized occupants—Cont'd
  - immediate family members and roommates, **4:160**
  - racial restrictions, **4:156, 4:157**
  - religious use exception, racial restrictions, **4:157**
  - rent regulations, **4:113**
- Subleases and Assignments** (this index)
- Automatic tenancy renewal protection, **4:282**
- Bankruptcy provisions, **4:238**
- Bargaining positions, relative, **4:1**
- Breach of lease, liability for, **4:41**
- Children, restrictions on, **4:158, 4:159**
- Closing formalities
  - generally, **4:264-4:267**
  - entire agreement, **4:266, 4:267**
  - fraud excepted, entire agreement, **4:267**
  - modification prohibited, **4:266**
  - validity and severability, **4:265**
- Compliance with all laws, **4:178-4:180**
- Condition of Premises** (this index)
- Counterclaims, waiver of, **4:239, 4:240**
- Damage or destruction, **4:207, 4:208**
- Delivery requirement, **4:11**
- Description of Premises** (this index)
- Disability rent increase exemption.
  - New York City, below
- Disclosures by landlord, **4:30**
- Discrimination, restrictions may constitute, **4:155-4:160**
- Enforcement of Lease Agreements** (this index)
- Entire agreement, **4:266, 4:267**
- Essential terms, **4:18-4:25**
- Exclusive possession and control, **4:19**
- Exculpatory clauses, **4:283**
- Express or implied agreement, **4:2**
- Form leases, **4:26**
- Form of agreement, **4:2-4:17**
- Forms
  - generally, **4:350-4:358**

**LEASE AGREEMENTS—Cont'd**

Forms—Cont'd

- apartment lease subject to rent stabilization, **4:350**
- escalation clause riders, **4:357**
- “good guy” guaranty, **4:358**
- lead-based paint hazards, disclosure, **4:351**
- loft lease, **4:355**
- office lease, **4:354**
- rent stabilization lease rider, **4:356**
- store lease, **4:353**
- window guard rider, **4:352**

Fraud, **4:28, 4:267**

Fundamental lease terms and conditions, **4:18-4:30**

Government subsidies, **4:27, 4:294**

**Government Subsidized housing, New York State Programs** (this index)

**Guaranty Clauses** (this index)

Holdover proceedings, jury waiver, **15:383**

HOME Program, **19:112**

Identity, **4:20, 4:44-4:46**

Immediate family members and roommates, **4:160**

Immoral or illegal use of occupancy, **13:80**

Implied or express agreement, **4:2**

Indefinite lease terms, **4:8**

Inextricably related claims, waiver of counterclaims, **4:240**

**Insurance** (this index)

Intent of parties, compliance with all laws, **4:180**

Interest on money judgments, **4:262**

J-51 program, **19:300**

Jury trial, **4:241, 4:284, 15:383**

**Late Charges** (this index)

Lease, defined, **4:3**

Liability absent a lease, **4:9**

License vs. lease, **4:12**

Limitations on validity of terms generally, **4:279 et seq.**

commercial tenancies, distinguished, **4:293**

government subsidized housing, **4:294**

**LEASE AGREEMENTS—Cont'd**

Limitations on validity of terms

—Cont'd

- manufactured home parks, **4:294**
- nonwaivable, nonmodifiable rights, below

Loan programs, federal, **19:131**

**Low-Income Housing Trust-Fund Program** (this index)

Maintenance and repairs, **4:168, 4:169**

**Manufactured Home Parks** (this index)

Mistake, **4:28, 4:29**

Modification. Nonwaivable, nonmodifiable rights, below

New York City, disability rent

increase exemption

generally, **4:273-4:278**

amount of household's aggregate disposable income, **4:278**

applicant named on lease or rent order, **4:275**

eligible apartment, **4:274**

income eligibility requirements, **4:277**

state or federal disability related financial assistance, **4:276**

New York State as tenant, signatures, **4:272**

Nonpayment of rent, breach of warranty of habitability as defense to, **4:183**

Nonwaivable, nonmodifiable rights generally, **4:279 et seq.**

attorneys' fees, **4:281**

automatic tenancy renewal protection, **4:282**

exculpatory clauses, **4:283**

jury trial in personal injury or property damage action, **4:284**

occupancy, **4:285**

retaliatory eviction defense, **4:286**

satellite dishes, **4:287**

security deposit refund, **4:288**

shared meters, **4:289**

sublets and assignments, **4:290**

tenants' associations, **4:291**

## INDEX

### LEASE AGREEMENTS—Cont'd

- Nonwaivable, nonmodifiable rights
  - Cont'd
  - warranty of habitability, **4:292**
- Notice
  - generally, **4:220-4:224**
  - manufactured home park tenants, **4:223**
  - rent-regulated tenants, **4:222**
  - rules and regulations, **4:187, 4:188**
  - termination of monthly tenancies, **4:221**
  - time notice is deemed given, **4:224**
- Occupancy, **4:285**
- Options** (this index)
- Oral lease. Statute of frauds, below
- Parking Charges** (this index)
- Parties to Lease Agreements** (this index)
- Pets** (this index)
- Presumption that agreement is understood and accepted once signed, **4:271**
- Property Taxes** (this index)
- Racial restrictions, **4:156, 4:157**
- Recordation of Lease Agreements** (this index)
- Relative bargaining positions, **4:1**
- Religious use exception, racial restrictions, **4:157**
- Rent and Other Charges** (this index)
- Rent regulation, **4:27, 4:188, 4:222**
- Repairs and maintenance, **4:168, 4:169**
- Retaliatory eviction defense, **4:286**
- Rules and regulations
  - generally, **4:185-4:190**
  - amendments and notice, **4:187, 4:188**
  - manufactured home leases, **4:189, 4:190**
  - reasonableness, manufactured home leases, **4:190**
  - rent regulation, impact of, **4:188**
- Satellite dishes, nonwaivable and nonmodifiable rights, **4:287**
- Section 8 Housing Program** (this index)

### LEASE AGREEMENTS—Cont'd

- Security deposit refund, **4:288**
- Severability, **4:265**
- Shared meters, **4:289**
- Signatures, **4:270-4:272**
- Standard provisions, **4:31-4:278**
- Statute of frauds
  - generally, **4:4-4:8**
  - calculation of one-year period, **4:7**
  - indefinite lease terms, **4:8**
  - sufficiency of writing, **4:5, 4:6**
  - type size, **4:6**
- Sublets, **4:290**
- Substantial default, **4:182-4:184, 4:199, 4:200**
- Tenants' associations, **4:291**
- Termination for tenant's breach of covenant, **4:181**
- Termination of monthly tenancies, notice, **4:221**
- Term or Duration of Lease or Tenancy** (this index)
- Time notice is deemed given, **4:224**
- Type size, **4:6**
- Unilateral mistake, **4:29**
- Use of Premises** (this index)
- Utility Charges** (this index)
- Validity, **4:265**
- Waiver
  - breach, **4:263**
  - counterclaims, **4:239, 4:240**
  - jury trial, **4:241, 15:383**
  - nonwaivable, nonmodifiable rights, above
- Warranty of habitability, **4:183, 4:292**
- Written agreement
  - generally, **4:13-4:17**
  - enforcement problems, reduction of, **4:14**
  - fixed lease term, **4:15-4:17**
  - landlord's perspective, fixed lease term, **4:16**
  - pros and cons, **4:13-4:17**
  - statute of frauds, above
  - tenant's perspective, fixed lease term, **4:17**

### LEGALIZATION PROCESS

- Lofts** (this index)

**LEGAL RESIDUUM RULE**

Article 78 proceedings, **17:140**

**LEGIBILITY**

Nonpayment proceedings, pleadings,  
**14:73, 14:104, 14:223**

**LETTER**

Consumer collection letter, **1:178**

**LICENSES**

Generally, **3:20-3:51**

Agreement between licensor and  
licensee, irrevocable license,  
**3:24**

Cancellation at will, **3:23**

Construction, rule of, **3:25**

Defined, **3:20**

Domestic partners, **3:36**

Family member, **3:33-3:36**

HP proceedings, **16:232, 16:233**

Illegal evictions, **16:436**

Illegal evictions, New York City,  
**16:449**

Illusory tenancy, **3:26**

Irrevocable license, agreement  
between licensor and licensee,  
**3:24**

Landlord, defined, **2:12**

Lease, distinguished, **3:21-3:27**

Newsstand operator, self-help evic-  
tion of, **3:31**

Non-exclusive privilege to occupy  
premises, **3:22**

Nonpayment proceedings, service of  
process, **14:160, 14:161**

Non-traditional “family” members,  
**3:36**

Parties to lease agreements, real  
estate brokers, **4:40**

Perfection of security interests for  
commercial landlord, **3:27**

Premises liability, foreseeability,  
**12:6, 12:45**

**Roommates** (this index)

Self-help eviction, **3:30, 3:31**

Spouses, **3:34**

Stepchildren, **3:35**

Subleases and assignments, **4:141**

**LICENSES—Cont’d**

Summary proceedings, termination,  
**3:29**

Termination, **3:28-3:31**

Types of licenses, **3:32-3:51**

**LIFE ESTATES AND LIFE  
OCCUPANCIES**

Generally, **2:96-2:104**

Creation of life estate, **2:99-2:101**

Definitions, **2:97, 2:98**

Distinguished, **2:96-2:104**

Oral creation of life estate, **2:100,  
2:101**

Perpetual leases, **2:101**

Prospective purchasers, showing of  
property to, **2:104**

Reversion upon death of life tenant,  
**2:102**

Rights of landlord, **2:103, 2:104**

Waste, **10:136**

**LIGHTS AND LIGHTING**

Multiple dwelling law, **12:62, 12:63**

Warranty of habitability, **9:48, 9:54**

**LIMITATION OF ACTIONS**

**Statutes of Limitation** (this index)

**LIMITED-DIVIDEND HOUSING  
COMPANIES**

Government subsidized housing,  
New York State programs,  
**19:187**

**LIMITED-PROFIT HOUSING  
COMPANIES**

Government subsidized housing,  
New York State programs,  
**19:185, 19:186**

**LIQUIDATED DAMAGES**

Unconscionability, **10:17**

**LIS PENDENS**

**Notice of Tenancy to Third Parties**  
(this index)

**LOAN PROGRAMS, FEDERAL**

Generally, **19:120-19:173**

Adjustment of affordability restric-  
tions  
generally, **19:141-19:153**

## INDEX

### LOAN PROGRAMS, FEDERAL —Cont'd

Adjustment of affordability restrictions—Cont'd  
disapproval, **19:146**  
federal incentives and transfer, **19:145-19:152**  
grounds for disapproval, **19:142-19:144**  
housing standards, **19:148**  
increases in rent, **19:147**  
materially increased hardship, defined, **19:143**  
notice to tenants, **19:153**  
priority purchasers, defined, **19:150**  
qualified purchasers, **19:149-19:152, 19:151**  
resident councils, defined, **19:152**  
sufficiency of affordable housing, **19:144**  
Disapproval of landlord, **19:125, 19:126**  
Due process, Section 221, **19:165**  
Eligibility of landlord, **19:124**  
Eligibility of tenant, **19:128**  
Eviction, **19:139**  
Good cause, termination of tenancies, **19:136, 19:137**  
Hazard reduction, **19:134**  
Housing standards, **19:148**  
HUD-owned projects, termination of tenancies, **19:140**  
Increases in rent, **19:132, 19:147, 19:160, 19:164, 19:165**  
Interest-reduction payments, Section 236, **19:167**  
Landlord participation, **19:123-19:126**  
Notice  
intent to file preemption request, **19:157**  
tenants, notices to, **19:129, 19:153, 19:156**  
termination of tenancies, **19:138**  
Organization of tenants, **19:130**  
Preemption  
generally, **19:154-19:161**

### LOAN PROGRAMS, FEDERAL —Cont'd

Preemption—Cont'd  
affordability restrictions, maintaining, **19:161**  
content of preemption request, **19:158**  
decision on preemption request, **19:159**  
increases in rent, **19:160**  
notice of intent to file preemption request, **19:157**  
notice to tenants, **19:156**  
request for preemption, **19:155-19:159**  
Priority purchasers, defined, **19:150**  
Qualified purchasers, **19:149-19:152, 19:151**  
Rental agreement, **19:131**  
Request for preemption, **19:155-19:159**  
Resident councils, defined, **19:152**  
Review of disapproval of landlord, **19:126**  
Right of action, **19:133**  
Section 221  
generally, **19:162-19:165**  
due process, **19:165**  
eligibility, **19:163**  
rent and rent increases, **19:164, 19:165**  
Section 236  
generally, **19:166-19:173**  
amount of assistance, **19:172**  
eligibility, **19:169-19:171**  
interest-reduction payments, **19:167**  
rental agreement, **19:173**  
rental-assistance payments, **19:168-19:173**  
tenant categories, **19:171**  
Tenant selection, **19:127, 19:128**  
Termination of tenancies  
generally, **19:135-19:140**  
eviction, **19:139**  
good cause, **19:136, 19:137**  
HUD-owned projects, **19:140**  
notice, **19:138**



**LOAN PROGRAMS, FEDERAL  
—Cont'd**

Types of programs, **19:121**

**LOAN PROGRAMS, NEW YORK  
CITY**

Generally, **19:288-19:294**

Inspections, **19:293**

Preferences, **19:290**

Rent and rent increases, **19:291**

Security deposits, **19:292**

Selection of tenants, **19:289, 19:290**

Termination of tenancy, **19:294**

**LOCAL EMERGENCY HOUSING  
RENT CONTROL ACT**

Rent control and rent stabilization,  
**11:26**

**LOCKOUTS**

Possession of property, **8:38-8:41**

**LOCKS**

Premises liability, **12:27**

Warranty of habitability, **9:68, 9:69**

**LODGERS**

Guests and Lodgers (this index)

**LOFTS**

Generally, **18:1 et seq., 18:244**

Abandonment, **18:171-18:173**

Access

generally, **18:66-18:75**

application for access, **18:69-18:74**

content of, and procedure for,  
access, **18:70**

dismissal, **18:73**

hearings, **18:72**

notice, **18:67, 18:68**

penalty for noncompliance, **18:74**

response of occupant to applica-  
tion, **18:71**

Action or inaction of owner, conse-  
quences of, **18:150**

Affected parties, application  
procedures, **18:21**

Allocation of costs by auditor, rent  
regulation, **18:120**

Alterations and development,  
defined, **18:137**

**LOFTS—Cont'd**

Amendment to statute, **18:28, 18:29,  
18:79**

Annual filing and fee, registration,  
**18:39**

Answers

application procedures, **18:22**

improvements, **18:151**

LE application, rent regulation,  
**18:122**

Appeal of determinations, **18:26-  
18:30**

Application for access, **18:69-18:74**

Application procedures, **18:20-18:22**

Architect certification, rent regula-  
tion, **18:116**

Article 78 proceedings, service on  
New York City Loft Board,  
**17:150**

Auditor, rent regulation, **18:117-  
18:120**

“BRAC” tax, **18:30**

Certification of plans, legalization  
process, **18:62**

Challenge applications, improve-  
ments, **18:146-18:157**

Code compliance, **18:46-18:97**

Composition of Loft Board, **18:16**

Conferences, **18:24**

Constitutionality of 1987 amend-  
ment, **18:29**

Coverage

generally, **18:33-18:45**

disputes over coverage, **18:40**

protected residential occupants,  
below

registration, below

CPA certification, rent regulation,  
**18:115**

Deadlines for compliance

generally, **18:75-18:97**

amendment to statute, **18:79**

deemed in compliance, **18:82**

extensions of time, below

filing of narrative statement, **18:77,  
18:81**

registration, **18:36**

renewal statutes, **18:80-18:86**

retroactivity of amendment, **18:83**

## INDEX

### LOFTS—Cont'd

- Deadlines for compliance—Cont'd
  - statute, **18:76-18:78**
  - untimely compliance or noncompliance, below
- Decoverage, nonconforming units, **18:64**
- Deemed in compliance, **18:82**
- Defenses, untimely compliance or noncompliance, **18:89**
- Delegation of responsibility by Loft Board, **18:17**
- Depreciation, fair market value, **18:163**
- Deregulation of rent upon owner's purchase of improvements, **18:155**
- Determinations, **18:25**
- Diminishment of services, legalization process, **18:61**
- Disclosure form, improvements, **18:141-18:145**
- Escalators, rent regulation, **18:99, 18:100**
- Executive director, rent regulation, **18:123**
- Expedited procedure, improvements, **18:140**
- Extensions of time
  - generally, **18:93 et seq.**
  - noncompliance application, consideration in tandem, **18:91**
- Fair market value, improvements, **18:147, 18:160-18:163**
- Filing requirements, sale of rights, **18:168-18:170**
- Fixtures, defined, **18:136**
- Good faith estimate, improvements, **18:148**
- Hardship exemptions, **18:13, 18:14**
- Hearings
  - generally, **18:23, 18:24**
  - access, **18:72**
  - improvements, **18:153**
- Historical perspective, **18:1**
- Holdover proceedings
  - generally, **18:178**
  - content of petition, **15:270**

### LOFTS—Cont'd

- Holdover proceedings—Cont'd
  - grounds for holdover proceeding, **18:180, 18:181**
  - multiple-dwelling registration statement
    - non-NYC, **15:440**
    - NYC, **15:270**
  - notice, **18:183**
  - NYC multiple-dwelling registration statement, **15:270**
  - petition defects, **15:440**
  - registration, **18:179**
  - subletting grounds, **18:181**
- Hotel order, **App. 18-12, App. 18-13**
- Improvements
  - generally, **18:131-18:166**
  - action or inaction of owner, consequences of, **18:150**
  - alterations and development, defined, **18:137**
  - answer of tenant, **18:151**
  - challenge applications, **18:146-18:157**
  - contents of disclosure form, **18:142**
  - defined, **18:135-18:138**
  - depreciation, fair market value, **18:163**
  - deregulation of rent upon owner's purchase of improvements, **18:155**
  - disclosure form, **18:141-18:145**
  - expedited procedure, **18:140**
  - fair market value, **18:147, 18:160-18:163**
  - filing requirements, **18:149, 18:158**
  - fixtures, defined, **18:136**
  - good faith estimate, **18:148**
  - hearings, **18:153**
  - historical perspective, **18:132**
  - incoming tenants, **18:156, 18:157**
  - nonprimary resident, right to sell, **18:166**
  - objections of tenant to propriety of challenge application, **18:152**
  - penalties for noncompliance, **18:159**

**LOFTS—Cont'd**

Improvements—Cont'd  
     persons who have right to sell, **18:164-18:166**  
     presumption of fair market value, **18:162**  
     price determined by Loft Board, right to purchase at, **18:154**  
     procedure for buying or selling improvements, **18:139-18:159**  
     protected residential occupant, right to sell, **18:165**  
     removable items, **18:138**  
     second sales prohibited, **18:145**  
     service of disclosure form, **18:143**  
     statutory provision, **18:133, 18:134**  
     ten advisories, disclosure form, **18:144**  
 Increases in rent, rent regulation, **18:124-18:126**  
 Inspection form, sale of rights, **18:170**  
 Interim multiple dwelling, defined, **18:3-18:7**  
 LE application, rent regulation, **18:111-18:127**  
 Legalization process  
     generally, **18:47-18:65**  
     alternative plan must highlight cost increases, **18:58**  
     certification of plans, **18:62**  
     content of narrative statement, **18:50**  
     cost not dispositive, unreasonable interference, **18:57**  
     decoverage, nonconforming units, **18:64**  
     diminishment of services, **18:61**  
     initiation of proceeding to resolve plan disputes, **18:59**  
     narrative statement, **18:49-18:51**  
     nonconforming units, **18:63-18:65**  
     objections by occupants, **18:53-18:61**  
     permanent unreasonable interference, assertion of claim, **18:54-18:59**  
     scheduling of conference, **18:52**

**LOFTS—Cont'd**

Legalization process—Cont'd  
     service of narrative statement, **18:51**  
     temporary unreasonable interference based on work performance, **18:60**  
     tenant safety plan, **18:48**  
     unreasonable interference, **18:54-18:60**  
 Loft Board, **18:15-18:17, 18:244**  
 Maintenance and repairs, **10:88**  
 Narrative statement, legalization process, **18:49-18:51**  
 Nonconforming units, legalization process, **18:63-18:65**  
 Nonpayment of fines, consequences, **18:90**  
 Nonpayment proceedings, **14:132, 14:133, 14:304, 18:175-18:177**  
 Notice  
     access, **18:67, 18:68**  
     holdover proceeding, **18:183**  
 Objections by occupants, legalization process, **18:53-18:61**  
 Objections of tenant to propriety of challenge application, improvements, **18:152**  
 Owner obligations, **18:12-18:14**  
 Penalties for noncompliance, **18:74, 18:159**  
 Percentage increases, rent regulation, **18:101**  
 Permanent unreasonable interference, assertion of claim, **18:54-18:59**  
 Presumption of fair market value, improvements, **18:162**  
 Profiteering, **18:182**  
 Protected residential occupants  
     generally, **18:41-18:45**  
     possession date is operative, **18:44**  
     prime lessee and occupant in possession prior to effective date of statute, **18:42, 18:43**  
     succession entitlements, **18:45**  
 Reconsideration of determinations, **18:27**  
 Referral of dispute for hearing, **18:23**

## INDEX

### LOFTS—Cont'd

Registration  
generally, **18:34-18:39**  
annual filing and fee, **18:39**  
circumstances requirement  
registration, **18:35**  
content of application, **18:38**  
deadlines, **18:36**  
holdover proceedings, **18:179**  
nonpayment proceedings, **18:176**  
statute of limitations, **18:37**  
Regulations, **18:18**  
Removable items, **18:138**  
Renewal statutes, **18:31, 18:32,**  
**18:80-18:86, 18:104, 18:105**  
Rent regulation  
generally, **18:96-18:130**  
allocation of costs by auditor,  
**18:120**  
amendment of 1987, units covered  
by, **18:103**  
amount set by lease in effect on  
December 21, 1982, **18:98**  
answer by tenant to LE applica-  
tion, **18:122**  
architect, certification by, **18:116**  
auditor, role of, **18:117-18:120**  
base rent, **18:97-18:102**  
code compliance rent increase,  
**18:125**  
comparison of claimed charges  
with schedule of costs and  
application of regulatory  
formula, **18:119**  
contents of LE application, **18:112**  
contents of notice of RGB increase  
packet, **18:129**  
CPA, certification by, **18:115**  
escalators permitted, **18:99, 18:100**  
executive director, role of, **18:123**  
final rent order, **18:110-18:130**  
financed work, **18:113**  
increases in rent, **18:124-18:126**  
LE application, **18:111-18:127**  
Loft Board Order No. 1, **18:97-**  
**18:102**  
notice of RGB increase procedure,  
**18:128-18:130**  
percentage increases, **18:101**

### LOFTS—Cont'd

Rent regulation—Cont'd  
precertification procedure, **18:114-**  
**18:116**  
renewal statutes, **18:104, 18:105**  
RGB rent increase, **18:126**  
service and filing of LE applica-  
tion, **18:121**  
service and filing of notice of RGB  
increase, **18:130**  
statute of limitations, **18:108,**  
**18:109**  
surcharges, **18:102**  
treble damages, **18:107**  
waiver of rights, **18:106**  
Retroactivity of amendment,  
deadlines for compliance, **18:83**  
RGB rent increase, rent regulation,  
**18:126**  
Rider B, sale of rights, **18:169**  
Sale of rights, **18:167-18:170**  
Scheduling of conference, legaliza-  
tion process, **18:52**  
Service  
disclosure form, improvements,  
**18:143**  
LE application, **18:121**  
narrative statement, legalization  
process, **18:51**  
notice of RGB increase, **18:130**  
Statute of limitations, **18:37, 18:108,**  
**18:109**  
Subletting, grounds for holdover  
proceeding, **18:181**  
Succession entitlements, **18:45**  
Summary proceedings  
generally, **18:174-18:182**  
code compliance timetable,  
nonpayment proceedings,  
**18:177**  
grounds for holdover proceeding,  
**18:180, 18:181**  
holdover proceedings, **18:178-**  
**18:183**  
nonpayment proceedings, **18:175-**  
**18:177**  
notices, holdover proceeding,  
**18:183**

## **LOFTS—Cont'd**

- Summary proceedings—Cont'd
  - registration, holdover proceedings, **18:179**
  - registration, nonpayment proceedings, **18:176**
  - subletting, grounds for holdover proceeding, **18:181**
- Surcharges, rent regulation, **18:102**
- Temporary unreasonable interference
  - based on work performance, legalization process, **18:60**
- Ten advisories, disclosure form, **18:144**
- Tenant protections, **18:11**
- Termination of lease, **13:17**
- Time and date
  - deadlines for compliance, above extensions of time, above untimely compliance or noncompliance, below
- Treble damages, rent regulation, **18:107**
- 2011 Apartment and Loft Order # 43
- Unreasonable interference, legalization process, **18:54-18:60**
- Untimely compliance or noncompliance
  - generally, **18:87-18:92**
  - defenses, **18:89**
  - extensions of time, above findings of noncompliance and penalties, **18:88-18:91**
  - nonpayment of fines, consequences, **18:90**
  - rent, inability to recover, **18:92**
- Waiver of rights, rent regulation, **18:106**
- Warranty of habitability, **9:11, 9:26**

## **“LOSS OF THE BARGAIN”**

- Possession of property, **10:31**

## **LOST PROFITS**

- Article 78 proceedings, **17:175**
- Illegal evictions, **16:418**
- Possession of property, **8:24, 10:32**

## **LOT LINE WINDOWS**

- Rent control and rent stabilization, **11:280**

## **LOW-INCOME HOUSING CREDITS**

- Generally, **19:175-19:182**
- Contract term, **19:178**
- Credit amount, **19:179**
- Eligibility, **19:177**
- Landlord participation, **19:176**
- Rent, amount of, **19:180**
- State monitoring, **19:181**

## **LOW-INCOME HOUSING TRUST-FUND PROGRAM**

- Generally, **19:237-19:260**
- Disabled tenants, **19:254**
- Displacement prohibited, selection of tenants, **19:248**
- Elderly tenants, **19:254**
- Income verification, selection of tenants, **19:247**
- Increases in rent, **19:258, 19:259**
- Local rent regulation, **19:249, 19:250**
- Non-English speaking communities, **19:256**
- Oversight, **19:251, 19:252**
- Participation of landlords
  - generally, **19:238-19:243**
  - contract term/regulatory period, **19:241**
  - eligible areas, defined, **19:239**
  - performance review, **19:243**
  - profits, **19:242**
  - sale of premises, **19:240**
- Performance review, participation of landlords, **19:243**
- Preferences, selection of tenants, **19:246**
- Profits, participation of landlords, **19:242**
- Remedies for breach, **19:252**
- Rent, **19:257-19:259**
- Rental agreement
  - generally, **19:253-19:256**
  - disabled and elderly tenants, **19:254**
  - non-English speaking communities, **19:256**
  - rights and responsibilities of tenants, **19:255**

## INDEX

### **LOW-INCOME HOUSING TRUST-FUND PROGRAM**

#### **—Cont'd**

- Rent regulations, applicability of, **19:260**
- Sale of premises, participation of landlords, **19:240**
- Selection of tenants
  - generally, **19:244-19:248**
  - displacement prohibited, **19:248**
  - income verification, **19:247**
  - preferences, **19:246**
  - very low-income, defined, **19:245**
- Very low-income, defined, **19:245**

### **LOW-INCOME TURNKEY-HOUSING TRUST FUND PROGRAM**

- Generally, **19:261-19:279**
- Eligibility of loans, **19:276, 19:277**
- Eligible developers, **19:262, 19:263**
- Eligible landlords, **19:264, 19:265**
- Housing Development Fund, **19:275**
- Housing Development Fund Companies, **19:277**
- Income verification, selection of tenants, **19:268**
- Increases in rent, **19:271**
- Municipal Housing Development Funds, **19:279**
- Negligence liability, **19:262, 19:263**
- Oversight, **19:273, 19:274**
- Preferences, selection of tenants, **19:267**
- Regulatory period, **19:272**
- Remedies for breach, **19:274**
- Rent, amount of, **19:270, 19:271**
- Sale of premises, **19:265**
- Selection of tenants
  - generally, **19:266-19:269**
  - income verification, **19:268**
  - preferences, **19:267**
  - rental agreement, **19:269**
- Tenant eligibility, **19:278**

### **LUXURY DEREGULATION**

- Rent Control and Rent Stabilization** (this index)

### **MAIL, SERVICE BY**

- Article 78 proceedings, **17:151**

### **MAILBOXES**

- Rent control and rent stabilization, New York City, **11:274**

### **MAINTENANCE AND REPAIRS**

- Generally, **10:82-10:99, 10:140, 10:141**
- Breach, establishment of, **10:84, 10:91-10:99**
- Clean hands, economic infeasibility defense, **10:97**
- Commercial leases, **10:83-10:85**
- Cooperative and condominium occupants, **2:136**
- Creation of tenancy, **2:89-2:92**
- Damages, **10:94, 10:141**
- Delegation of duty, **2:90, 10:92, 19:95**
- Economic infeasibility defense
  - generally, **10:95-10:98**
  - clean hands, **10:97**
  - evidence, **10:96**
  - residential premises, **10:98**
- Evidence, economic infeasibility defense, **10:96**
- Exclusivity of possession, **2:31**
- Governmental landlords, **10:93**
- Harassment, New York City tenants in premises formerly used for manufacturing and warehouse purposes protected from, **10:89, 10:90**
- HP Proceedings** (this index)
- Lease agreements, **4:168, 4:169**
- Loft tenants, **10:88**
- Marine rule, **10:99**
- New York City tenants in premises formerly used for manufacturing and warehouse purposes protected from harassment, **10:89, 10:90**
- Nonpayment proceedings, stipulations, **14:424, 14:425**
- Premises Liability** (this index)
- Remedies, **10:85, 10:140, 10:141**
- Rent control and rent stabilization, increase of rent, **11:238**

**MAINTENANCE AND REPAIRS**

**—Cont'd**

Residential leases, **10:86-10:99**  
Statutory duty of multiple dwelling owners, **10:87**

**MAJOR CAPITAL IMPROVEMENTS**

**Rent Control and Rent Stabilization** (this index)

**MALPRACTICE**

Attorneys, **1:154, 1:155**

**MANAGING AGENT**

Article 7-A proceedings, service, **16:81**

**MANDAMUS**

Article 78 proceedings, **17:108-17:110**

**MANUFACTURED HOME PARKS**

Generally, **2:153-2:159**  
Access, **2:157, 4:200**  
Illegal evictions, **16:385, 16:395**  
Increase in rent, notice of, **2:154**  
Late charges, **4:79**  
Lease, offer of, **2:154**  
Lease agreements  
generally, **4:294**  
access, failure or refusal to provide as substantial default, **4:200**  
notice, **4:223**  
rules and regulations, **4:189, 4:190**  
Notice, **4:223**  
Property taxes, **4:219**  
Registration of service and park rules, **2:159**  
Rules and regulations, **4:189, 4:190**  
Security deposits, **2:156, 7:69**  
Subleases and assignments, **4:142**  
Termination of lease, **13:71**  
Term or duration of lease or tenancy, **4:25**  
Utility charges, **4:85**  
Warranty of habitability, **2:158, 9:12, 9:27**

**MANUFACTURING**

Immoral or illegal use of occupancy, **13:75**

**MARITAL STATUS DISCRIMINATION**

**Family or Marital Status Discrimination** (this index)

**MEETING WITH CLIENT**

**Initial Client Meeting** (this index)

**MILITARY SERVICE**

Generally, **2:172, 13:158-13:163**  
Filing non-military affidavit holdover proceedings, **15:390-15:392**  
nonpayment proceedings, **14:253-14:255, 14:514**  
**Holdover Proceedings** (this index)  
**Nonpayment Proceedings** (this index)  
Notice of petition  
holdover proceedings, **15:238**  
nonpayment proceedings, **14:101**  
Penalties for interference by landlord, **13:163**  
Procedure for termination of lease, **13:160**  
Remedies of landlord, **13:162**  
Rent, liability for, **13:161**  
Scope of statutory protection, **13:159**  
Surrender upon tenant's entering military service, **8:53**  
Tenancy, special types of tenants, **2:172**

**MINORS**

**Children and Minors** (this index)

**MISREPRESENTATION**

**Fraud and Deceit** (this index)

**MISTAKE**

Lease agreements, **4:28, 4:29**  
Nonpayment proceedings, vacatur of stipulations, **14:443**

**MITCHELL-LAMA HOUSING**

Generally, **19:185, 19:186**  
Race discrimination, enforcement of integration, **5:130, 5:131**



## INDEX

### MITIGATION OF DAMAGES

- Abandonment or early termination, **10:105-10:107**
- Creation of tenancy, **2:61**
- HP proceedings, **16:291 et seq.**
- Surrender of possession, **8:55-8:57**
- Warranty of habitability, **9:79, 9:80, 14:393**

### MIXED-USE HOTELS

- Transient hotel occupants, **3:64**

### MOBILE HOMES

- Manufactured Home Parks** (this index)

### MOLD

- Warranty of habitability, **9:56**

### MONTH-TO-MONTH TENANCIES

- Generally, **2:107, 2:113**
- Nonpayment proceedings, **14:47, 14:294**
- Termination of Lease** (this index)

### MORTGAGES

- Landlord, defined, **2:9**
- Nonpayment proceedings, **14:360**
- Notice of Tenancy to Third Parties** (this index)
- Waste, **10:135**

### MOTELS

- Americans With Disabilities Act, **5:65**

### MOTIONS

- Nonpayment Proceedings** (this index)

### MOTOR COURTS

- Rent control and rent stabilization, **11:67, 11:100**

### MULTIPLE DWELLING LAW

- Generally, **12:56-12:67**
- Common law duty survives, **12:68**
- Delegation of duty, **12:58**
- Door locks, **12:64**
- Exterior lighting, **12:63**
- Intercom systems, **12:65**
- Interior lighting, **12:62**
- Lighting, **12:62, 12:63**

### MULTIPLE DWELLING LAW

#### —Cont'd

- Notice required, **12:59**
- Owner, defined, **12:60**
- Reasonably safe condition, defined, **12:57**
- Smoke detectors, **12:66**

### MUNICIPAL HOUSING DEVELOPMENT FUNDS

- Low-income turnkey-housing trust fund program, **19:279**

### MURDER

- Premises liability, failure to disclose that property was location of, **12:209**

### MUTUAL COVENANTS

- Rights and Obligations of Tenancy** (this index)

### “NAIL AND MAIL”

- Article 7-A proceedings, service of notice of petition and petition, **16:83**

### NARCOTICS

- Drug Use and Sales** (this index)

### NATIONAL ORIGIN OR ANCESTRY DISCRIMINATION

- Generally, **5:138-5:141**
- Interview procedures, **5:141**
- Market plan did not discriminate, **5:140**
- Prima facie case, **5:139**

### NAVIGATION LAW § 181

- Generally, **12:148-12:154**
- Delivery truck owner, liability of, **12:154**
- Oil broker, liability of, **12:153**
- Parties liable, **12:151-12:154**
- Retroactive application, **12:150**
- Strict liability, **12:149**
- Tenant, liability of, **12:152**

### NECESSARY PARTIES

- Nonpayment proceedings, **14:116**

**NEGLIGENCE**

- Insurance, **4:206**
- Low-income turnkey-housing trust fund program, **19:262, 19:263**
- Premises Liability** (this index)

**NEGLIGENCE PER SE**

- Environmental liability, **12:167**

**NEGOTIATIONS**

- Generally, **1:142-1:148**
- Authority of attorney to settle, **1:144**
- Communication of all offers to client, **1:145**
- Compliance of tenant with terms of lease, ensuring of, **1:146-1:148**
- Investigation of tenant's personal, professional, and financial references, **1:147**
- Personal guarantees of tenant, **1:148**
- Techniques and strategies, **1:143-1:145**

**NET LEASES**

- Creation of tenancy, **2:53, 2:54**

**NEWSSTAND OPERATORS**

- Self-help eviction, **3:31**

**NEW YORK CITY**

- Civil Court Housing Judges, nonpayment proceedings, **14:451**
- Civil Court of City of NY** (this index)
- Disabled Persons, Discrimination Against** (this index)
- Discrimination, **5:105-5:124**
- Family or marital status discrimination, sexual orientation, **5:155**
- Housing Authority, waiver of pet restrictions, **4:196**
- HP proceedings, **16:248**
- Lease Agreements** (this index)
- Maintenance and repairs, tenants in premises formerly used for manufacturing and warehouse purposes protected from harassment, **10:89, 10:90**
- New York City Lead Poisoning Prevention Act of 2003, **12:87 et seq.**

**NEW YORK CITY—Cont'd**

- Pets, waiver of restrictions, **4:195, 4:196**
- Property taxes, exemptions, **4:217**
- Rent Control and Rent Stabilization** (this index)
- Termination of Lease** (this index)
- Term or duration of lease or tenancy, **2:37, 4:24, 4:55**
- Transient hotel occupants, **3:63**
- Yellowstone Injunctions** (this index)

**NEW YORK CITY LEAD**

**POISONING PREVENTION ACT OF 2003**

- Generally, **12:87 et seq.**

**NEW YORK CONSUMER PROTECTION ACT**

- Attorneys, **1:174**

**NOISE**

- Rent control and rent stabilization, complaints between neighbors, **11:400**
- Warranty of habitability, **9:57-9:61**

**NOMINAL DAMAGES**

- Warranty of habitability, **9:113**

**NON-MILITARY AFFIDAVITS**

- Holdover proceedings, **15:390-15:392**
- Nonpayment proceedings, **14:253-14:255, 14:514**

**NONPAYMENT AS WASTE**

- Generally, **10:135**

**NONPAYMENT PROCEEDINGS**

- Generally, **14:1-14:529**
- Abatement of rent
  - generally, **14:383-14:387, 14:396**
  - applicability, **14:384**
  - attorneys' fees, **14:496, 14:502**
  - burden of proof, **14:386**
  - rent deposit required, **14:387**
  - rent-impairing violation, **14:385**
- Absence of lease or other agreement, **14:10**
- Acceptance of rent after issuance of warrant, **14:495**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Accord and satisfaction, **14:364, 14:365**
- Actual eviction as defense, **14:329-14:332**
- Adjournments, hearing and trial, **14:453-14:456**
- Admit, notice to, **14:412**
- Agent or attorney as petitioner, **14:77, 14:276**
- Amendment of description, **14:300**
- Amendment of judgments, **14:468**
- Amendment or correction of Multiple Dwelling Registration statement, **14:302, 14:303, 14:308**
- Answer
  - generally, **14:215-14:255**
  - attorneys' fees, counterclaims, **14:231**
  - caption, **14:224**
  - compulsory counterclaims, **14:238**
  - content of answer, **14:226-14:244**
  - counterclaims, **14:229-14:238**
  - defenses, **14:228**
  - denials, **14:227**
  - equitable claims or defenses, waiver of jury trial, **14:244**
  - excusable default, **14:251**
  - failure to answer, **14:245-14:255**
  - Fair Credit Reporting Acts, counterclaims, **14:237**
  - form, answer with counterclaim, **14:522**
  - form of answer, **14:220-14:225**
  - inextricably related counterclaims, **14:230-14:235**
  - judicially imposed protections, failure to answer, **14:247**
  - jury demand, **14:240-14:244**
  - lease agreement, waiver of jury trial, **14:243**
  - meritorious defense, vacatur of default, **14:252**
  - non-military affidavit, filing of, **14:253-14:255**
  - oral answer, **14:221**
  - overcharge of rent, counterclaims, **14:232, 14:233**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Answer—Cont'd
  - persons who may answer, **14:216**
  - quality, size, legibility, and language, **14:223**
  - recitation of factual particulars, filing of non-military affidavit, **14:254**
  - sanctions, filing of non-military affidavit, **14:255**
  - security deposits, counterclaims, **14:234**
  - service and filing, **14:225**
  - severance of unrelated counterclaims, **14:236, 14:237**
  - time for answer, **14:217-14:219**
  - time for jury demand, **14:241**
  - vacatur of default, **14:249-14:252**
  - verification, **14:239**
  - waiver of jury trial, **14:242-14:244**
  - warranty of habitability, counterclaims, **14:235**
  - written answer, **14:222-14:225**
- Apartment number, **14:121, 14:296**
- Assignee of rents as petitioner, **14:284**
- Attachments, New York City Section 8 tenants, **14:140**
- Attorneys
  - debt collectors, signature on written rent demand, **14:21**
  - endorsement, **14:107**
  - fees. Attorneys' fees, below
  - verification, **14:155**
- Attorneys' fees
  - generally, **14:396, 14:496-14:507**
  - abatement, prevailing party, **14:396, 14:502**
  - advance notice of intent to recover fees, **14:504**
  - American rule, **14:496**
  - commercial tenants, **14:498**
  - counterclaims, **14:231**
  - prevailing party, **14:500-14:503**
  - reciprocal rights of residential tenants, **14:497**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Attorneys' fees—Cont'd  
 same action or proceeding, **14:506, 14:507**  
 section 8 tenant, nonrecoverable from, **14:507**  
 statutory tenancies, **14:499**  
 stipulations  
   prevailing party, **14:503**  
   ultimate outcome, entitlement predicated on, **14:505**  
 Bankruptcy, discharge, **14:343**  
 Bill of particulars, **14:415, 14:416**  
 Burden of proof  
   abatement of rent, **14:386**  
   laches, **14:347-14:349**  
   N.Y. Real Prop. Act § 755 stay, **14:379**  
 Calendar practice, **14:403**  
 Caption, **14:74, 14:105, 14:224, 14:274-14:277**  
 Certificate of occupancy, defenses, **14:338-14:342**  
 Certification procedure for New York City Section 8 tenants, **14:65-14:67**  
 Certification statement, New York City Section 8 tenants, **14:139, 14:140**  
**Civil Court of City of NY** (this index)  
 Collusion, vacatur of stipulations, **14:443**  
 Commercial premises, **14:8, 14:142, 14:400**  
 Common law antecedents, **14:2**  
 Complete description of premises, **14:123, 14:297**  
 Complicity of tenant, defenses, **14:342**  
 Compromise and settlement, **14:367-14:369**  
 Compulsory counterclaims, **14:238**  
 Conditional limitation for rent defaults, **14:7, 14:8**  
 Condominiums  
   board of managers as petitioner, **14:79, 14:285**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Condominiums—Cont'd  
   rent regulatory status, **14:143**  
   unit owner as respondent, **14:292**  
   warranty of habitability, **14:401**  
 Conforming pleadings to proof, motion, **14:464**  
 Consent judgment not appealable, **14:429**  
 Conspicuous-place service  
   generally, **14:185-14:200**  
   business hours, **14:189, 14:195**  
   commercial tenants, **14:194-14:197**  
   completion of service, **14:200**  
   form, affidavit, **14:521**  
   mailing requirement, **14:198, 14:199**  
   presumption of regularity and receipt, mailing, **14:199**  
   reasonable application, **14:186-14:197**  
   residential respondents, **14:187-14:193**  
   rest hours, residential respondents, **14:190**  
   Sundays and religious holidays, residential respondents, **14:191**  
   unknown whereabouts of respondent, **14:193, 14:197**  
   weekends and prior to normal work hours, residential respondents, **14:188**  
 Constructive eviction as defense, **14:333-14:337**  
 Cooperative units, rent regulatory status, **14:144**  
 Corporations  
   personal service, **14:167-14:169**  
   petitioners, **14:111-14:113, 14:152**  
   respondent, statement of interest of, **14:117**  
 Correction of defects in demand, **14:54**  
 Counterclaims, **14:229-14:238**  
 County tenants, **14:59**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Curable nature of rent defaults, **14:6-14:8**

Debtor-creditor, **14:359**

De facto multiple dwellings, registration statement for premises within New York City, **14:131-14:133**

Default, remedy for  
generally, **14:426**  
attorney fees, **14:430**  
consent judgment nonappealable, **14:429**  
issuance of final judgment, **14:428, 14:429**  
restoration of case to court calendar, **14:427**  
termination of proceeding, **14:431**

#### Defenses

generally, **14:228, 14:256-14:398**  
abatement of rent, above  
actual eviction, **14:329-14:332**  
affidavit of service, **14:263**  
attorney's verification, defective, **14:321**

certificate of occupancy, **14:338-14:342**

commercial premises, certificate of occupancy, **14:341**

complicity of tenant, certificate of occupancy, **14:342**

constructive eviction, **14:333-14:337**

demand for rent, below  
detailed and specific objection, **14:259**

direct impact on tenant, certificate of occupancy, **14:339, 14:340**  
in personam jurisdiction, lack of, **14:258-14:264**

laches, below

landlord-tenant relationship, below  
multiple dwelling registration, lack of, **14:362**

notarial errors, defective verification, **14:320**

notice of petition, below

### NONPAYMENT PROCEEDINGS

#### —Cont'd

#### Defenses—Cont'd

N.Y. Mult. Dwell. Law § 302-a.

Abatement of rent, above

N.Y. Real Prop. Act § 755 stay, below

partial actual eviction, **14:330-14:332**

partial constructive eviction, **14:334-14:336**

payment of rent demanded, below  
petition, below

pleading-related defects, **14:265-14:328**

possession, party not in, **14:371-14:374**

predicate notices, defective, **14:257**

process server, testimony of, **14:261, 14:262**

removal of party before or after commencement of proceeding, **14:372, 14:373**

Speigel defense, N.Y. Soc. Serv. Law § 145-b, **14:388**

statutory violations, **14:377-14:388**

subject matter jurisdiction, lack of, **14:256, 14:257**

subtenants, constructive eviction, **14:337**

traverse hearing, **14:260-14:263**

unlawful rent, **14:375, 14:376**

verification, defective, **14:319-14:321**

waiver of service-related objections, **14:264**

**Warranty of Habitability** (this index)

#### Demand for rent

generally, **14:15-14:56, 14:126, 14:312**

absence of handwritten signature, **14:42**

attorneys as debt collectors, **14:21, 14:21-14:23**

business debts excluded, **14:31**

content of communications, **14:34**

contents of demand, **14:52, 14:53**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Demand for rent—Cont'd  
 correction of defects in demand, **14:54**  
 defense based on defective demand  
   generally, **14:322-14:328**  
   factual specificity, **14:324**  
   oral demand, **14:326**  
   service, improper, **14:327**  
   sufficiency of demand, **14:323**  
   waiver of objection, **14:328**  
   wrong party, demand made by, **14:325**  
 dishonored checks, **14:30**  
 exception for legal remedies, **14:25**  
 expansion of statutory notice  
   period by lease, **14:44-14:46**  
 Federal Debt Collection Practices Act, **14:20 et seq.**  
 forms, **14:508, 14:509**  
 “Initial communication,” defining, **14:36**  
 lease may prohibit oral demand, **14:17**  
 length of time demand is effective, **14:55**  
 noncompliance with FDCPA, avoiding, **14:33**  
 oral demand, **14:16, 14:17, 14:326**  
 persons who may sign written rent demand, **14:20-14:23**  
 place of communications, **14:39**  
 potential damages, amount of, **14:32**  
 rental arrears as falling within definition of “debt,” **14:29**  
 service of demand, **14:48, 14:56, 14:327**  
 specificity of demand, **14:50, 14:324**  
 specific payment date, absence of, **14:51**  
 statute of limitations, **14:40**  
 statutory minimum written notice, **14:43**  
 sufficiency of demand, **14:49-14:53**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Demand for rent—Cont'd  
 summary proceedings, effect of Federal Debt Collection Practices Act, **14:22**  
 thirty day dispute-validation period, **14:35**  
 time of written rent demand, **14:19**  
 timing of communications, **14:38**  
 waiver of objection, **14:328**  
 written rent demand, **14:18-14:46**  
 wrong party, demand made by, **14:325**  
 De minimis defaults, stipulations, **14:434-14:436**  
 Description of premises, **14:120-14:123, 14:295-14:300**  
 Disclosure  
   generally, **14:407**  
   ample need, **14:408-14:410**  
   exceptions, **14:411-14:413**  
   notice to admit, exception, **14:412**  
   notice to produce, exception, **14:413**  
   possessory judgment due to noncompliance, **14:414**  
 Dismissal motions, **14:404, 14:463**  
 Economic-feasibility cases, discovery, **14:410**  
 Employee of corporation, personal service, **14:169**  
 Employer-employee, **14:361**  
 Equitable claims or defenses, waiver of jury trial, **14:244**  
 Estate of tenant as respondent, **14:288**  
 Estoppel, **14:406**  
   waiver and estoppel, below  
 Excusable default, **14:251**  
 Fair Credit Reporting Acts, counterclaims, **14:237**  
 Federal Debt Collection Practices Act, **14:20 et seq., 14:23, 14:33**  
 Federally subsidized tenants, **14:64**  
 Fees on fees, **14:501**  
 Fictitious name, known respondent identified by, **14:277**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Filing proof of service. Service of process, below

Foreign corporations, statement of interest of, **14:112, 14:113**

Forms

- generally, **14:508-14:532**
- affidavit of service, **14:519-14:521**
- answer with counterclaim, **14:522**
- authorization to secure certified copy of MDR, **14:532**
- conspicuous-place service, affidavit of, **14:521**
- demand for rent, **14:508, 14:509**
- district courts, notice of petition, **14:512**
- judgment upon tenant's failure to answer, **14:528**
- New York City Civil Court, notice of petition, **14:510**
- New York State District Courts, **14:512**
- notice of eviction, **14:530, 14:531**
- notice of motion to dismiss with affidavit in support, **14:523**
- notice of petition, **14:510-14:512**
- order to show cause to vacate default judgment and warrant, **14:524**
- personal service, affidavit of, **14:519**
- stipulation of settlement, **14:526, 14:527**
- substituted service, affidavit of, **14:520**
- vacatur of default judgment and warrant, **14:524, 14:525**
- verification, below
- warrant, **14:529**

Fraud, vacatur of stipulations, **14:443**

Good cause, vacatur of warrant, **14:494**

Governments

- notice of claim against government and municipal tenants, below
- personal service, **14:171**
- verification, **14:154**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Government subsidized housing, New York State programs, **19:221**

Guarantor as respondent, **14:82, 14:293**

Guests of respondent, substituted service, **14:181**

Habitability breaches, **14:392**

Harassment

- generally, **14:352-14:354**
- commercial tenant, **14:354**
- residential tenant, **14:353**

Harsh terms, vacatur of stipulations, **14:447**

Hearing and trial

- generally, **14:449 et seq.**
- adjournments, **14:453-14:456**
- affirmative defenses and counterclaims, **14:460**
- conforming pleadings to proof, motion, **14:464**
- dismissal motions, **14:463**
- excessive adjournments by landlord, **14:456**
- motions at trial, **14:462-14:464**
- New York City Civil Court Housing Judges, **14:451**
- opening statements, **14:458**
- prima facie case, **14:459**
- summations, **14:461**
- time or date, **14:269**
- trier of fact, **14:450**

Historical perspective, **14:1-14:4**

Incarcerated respondent, **14:172**

Inextricably related counterclaims, **14:230-14:235**

In personam jurisdiction, lack of, **14:258-14:264**

Interests of parties, defects as to, **14:278-14:294**

Inventory, preparation of, **14:480**

Judgments

- generally, **14:467-14:473**
- amendments, **14:468**
- defects, **14:469**
- enforcement of money judgments, **14:470**



## NONPAYMENT PROCEEDINGS

### —Cont'd

Judgments—Cont'd  
 interest, **14:471**  
 judicially imposed conditions and  
 protections, **14:473**  
 stipulations, **14:472**  
 stipulations: amount recoverable  
 upon breach, **14:472**  
 Jurisdiction, **14:130**  
 Jury demand, **14:240-14:244**  
 Laches  
     generally, **14:344-14:351**  
     burden of proof, **14:347-14:349**  
     commercial disputes, **14:351**  
     effect, **14:345**  
     excessive delay by landlord,  
         **14:348**  
     prejudice to tenant, **14:349**  
     reasonable excuse for delay,  
         **14:350**  
     three month rule, **14:346**  
 Landlord-tenant relationship  
     generally, **14:355-14:361**  
     contract or agreement, lack of,  
         **14:356**  
     debtor-creditor, **14:359**  
     employer-employee, **14:361**  
     mortgagor-mortgagee, **14:360**  
     parties to contract of sale, **14:357**  
     tenants in common, **14:358**  
 Language of pleadings, **14:73**,  
     **14:104, 14:223**  
 Late payment of rent arrears, de mini-  
 mis defaults, **14:435**  
 Lease agreement, waiver of jury trial,  
     **14:243**  
 Legibility of pleadings, **14:73**,  
     **14:104, 14:223**  
 Licensing requirement, service of  
 process, **14:160, 14:161**  
 Lofts, **14:132, 14:133, 14:304**,  
     **18:175-18:177**  
 Mailing requirement. Service of pro-  
 cess, below  
 Map or plan, description of premises,  
     **14:122, 14:298**  
 Meritorious defense, vacatur of  
 default, **14:252**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Military affidavit  
     sample form, **14:514**  
 Military personnel, **14:173**  
 Military service  
     non-military affidavit, filing,  
         **14:253-14:255, 14:514**  
     notice, **14:101**  
 Minors, substituted service, **14:177**  
 Mistake, vacatur of stipulations,  
     **14:443**  
 Modification of lease agreement,  
     **14:366**  
 Month-to-month tenants, **14:47**,  
     **14:294**  
 Mortgagor-mortgagee, **14:360**  
 Motion practice  
     generally, **14:402-14:417**  
     admit, notice to, **14:412**  
     ample need requirement, **14:408-**  
         **14:410, 14:416**  
     bill of particulars, **14:415, 14:416**  
     calendar practice, **14:403**  
     disclosure  
         generally, **14:407**  
         ample need, **14:408-14:410**  
         exceptions, **14:411-14:413**  
         notice to admit, exception,  
             **14:412**  
         notice to produce, exception,  
             **14:413**  
         possessory judgment due to  
             noncompliance, **14:414**  
     dismissal motion, **14:404**  
     failure to oppose motion, gener-  
         ally, **14:417**  
     judicial estoppel, **14:406**  
     possessory judgment may ensue  
         for disclosure noncompliance,  
             **14:414**  
     produce, notice to, **14:413**  
     summary judgment, **14:405**  
 Multiple dwelling registration,  
     **14:129-14:135, 14:301-14:309**,  
     **14:362**  
 Municipal tenants. Notice of claim  
 against government and munici-  
 pal tenants, below

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Necessary parties, **14:116**  
Neighbors of respondent, substituted service, **14:181**  
New York City Civil Court Housing Judges, **14:451**  
New York City Section 8 tenants, statement of rent regulatory status, **14:138-14:140**  
Non-military affidavit, filing of, **14:253-14:255**  
Notarial errors, defective verification, **14:320**  
Notice of claim against government and municipal tenants  
generally, **14:57-14:63**  
county tenants, **14:59**  
municipal tenants, **14:60, 14:61**  
New York City, **14:60**  
time requirements, **14:58-14:63**  
town tenants, **14:62**  
village tenants, **14:63**  
Notice of eviction and warrant  
generally, **14:474-14:488**  
acceptance of rent after issuance of warrant, **14:495**  
additional notice after 30 days or stay of eviction, **14:479**  
calculation of earliest eviction date, **14:476-14:478**  
content, **14:475**  
eviction vs. legal possession, **14:481-14:484**  
form, **14:530, 14:531**  
good cause, vacatur of warrant, **14:494**  
inventory, preparation of, **14:480**  
items which may not be removed, **14:485**  
New York City, **14:490-14:492**  
parties against whom warrant is enforceable, **14:488**  
personal service, calculation of earliest eviction date, **14:477, 14:478**  
personalty, liability of landlord for remaining, **14:484**  
social service call-ins, **14:487**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Notice of eviction and warrant  
—Cont'd  
stays, **14:489**  
vacatur of warrant, **14:493**  
warehouse sale of stored goods, **14:486**  
Notice of petition  
generally, **14:68-14:101, 14:127, 14:313**  
agent or attorney as petitioner, **14:77**  
attorney or landlord, notice issued by, **14:268**  
caption, **14:74**  
clerk's endorsement, **14:267**  
condominium board of managers as petitioner, **14:79**  
content of notice, **14:86-14:101**  
court name and venue omitted, **14:271**  
defense based on defect in notice  
generally, **14:266-14:272**  
attorney or landlord, notice issued by, **14:268**  
clerk's endorsement, **14:267**  
court name and venue omitted, **14:271**  
hearing date or time, **14:269**  
misleading notice, **14:270**  
party's name or status, misstatement as to, **14:272**  
estate of tenant as respondent, **14:81**  
form of notice, **14:72-14:85**  
forms, **14:510-14:512**  
guarantor as respondent, **14:82**  
hearing date or time, **14:269**  
military service notice, **14:101**  
misleading notice, **14:270**  
New York City Civil Court, persons who may issue, **14:70**  
N.Y. Real Prop. Acts Law § 731, below  
N.Y. Real Prop. Acts Law § 732, below  
official notice satisfies requirements, **14:99-14:101**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Notice of petition—Cont'd  
 parties, **14:75-14:85**  
 party's name or status, misstatement as to, **14:272**  
 persons who may issue, **14:69-14:71**  
 petitioner, **14:76-14:79**  
 power of attorney, person holding, **14:78, 14:79**  
 quality, size, legibility, and language, **14:73**  
 respondents, **14:80-14:85**  
 Section 8 tenants, respondents, **14:83**  
 show cause order, **14:71**  
 subtenant as respondent, **14:84**  
 Notice to admit, **14:412**  
 Notice to produce, **14:413**  
 N.Y. Mult. Dwell. Law § 302-a.  
 Abatement of rent, above  
 N.Y. Real Prop. Act § 755 stay  
 generally, **14:378-14:382**  
 burden of proof, **14:379**  
 rent deposit required, **14:381**  
 tenant-caused condition, **14:380**  
 vacatur, **14:382**  
 N.Y. Real Prop. Acts Law § 731  
 generally, **14:94-14:98**  
 place of hearing, **14:95**  
 preclusive impact, inform of, **14:97**  
 relief sought, **14:98**  
 time and date of hearing, **14:96**  
 N.Y. Real Prop. Acts Law § 732  
 generally, **14:87-14:93**  
 nonappearance of respondent, import of, **14:88**  
 place to answer, **14:90, 14:91**  
 relief sought by landlord, **14:92, 14:93**  
 timing of answer, **14:89**  
 Offer and refusal of rent, **14:370**  
 Opening statements, **14:458**  
 Oral answer, **14:221**  
 Oral demand, **14:16, 14:17, 14:326**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Overcharge of rent, **14:232, 14:233, 14:440**  
 Partial actual eviction as defense, **14:330-14:332**  
 Partial constructive eviction as defense, **14:334-14:336**  
 Parties  
 generally, **14:106**  
 contract of sale, **14:357**  
 notice of petition, **14:75-14:85**  
 Partnerships, **14:153, 14:170**  
 Payment of rent demanded  
 generally, **14:363-14:370**  
 accord and satisfaction, **14:364, 14:365**  
 compromise and settlement, **14:367-14:369**  
 modification of lease agreement, **14:366**  
 offer and refusal of rent, **14:370**  
 proof of accord and satisfaction, **14:365**  
 security deposit, compromise and settlement, **14:369**  
 waiver of attorney's fees, compromise and settlement, **14:368**  
 Personal service  
 generally, **14:165-14:174**  
 completion of service, **14:174**  
 corporate respondents, **14:167-14:169**  
 employee of corporate respondent, **14:169**  
 form, affidavit, **14:519**  
 government respondents, **14:171**  
 incarcerated respondent, **14:172**  
 military personnel, **14:173**  
 partnership respondents, **14:170**  
 place for service, **14:166**  
 Secretary of State, corporate respondents, **14:168**  
 Personalty, liability of landlord for remaining, **14:484**  
 Petition  
 generally, **14:102-14:155**  
 agent, petitioner not identified as, **14:276**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

##### Petition—Cont'd

- agent or attorney, improper petitioners, **14:281**
- amendment of description, **14:300**
- amendment or correction of
  - Multiple Dwelling Registration statement, **14:302, 14:303, 14:308**
- apartment number, **14:121, 14:296**
- assignee of rents as petitioner, **14:284**
- attachments, New York City Section 8 tenants, **14:140**
- attorney, verification by, **14:155**
- attorney's endorsement, **14:107**
- caption, **14:105, 14:274-14:277**
- certification statement, New York City Section 8 tenants, **14:139, 14:140**
- certified copy, multiple dwelling registration statement for premises within New York City, **14:135**
- commercial premises, rent regulatory status, **14:142**
- complete description of premises, **14:123, 14:297**
- condominium board of managers as petitioner, **14:285**
- condominium unit owner as respondent, **14:292**
- condominium units, rent regulatory status, **14:143**
- content, **14:108-14:148**
- cooperative units, rent regulatory status, **14:144**
- corporate petitioner, **14:111-14:113, 14:152**
- corporate respondent, statement of interest of, **14:117**
- de facto multiple dwellings, registration statement for premises within New York City, **14:131-14:133**
- default in rent, **14:125, 14:311**
- defense based on defect in petition generally, **14:273-14:318**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

##### Petition—Cont'd

- defense based on defect in petition
  - Cont'd
  - agent, petitioner not identified as, **14:276**
  - agent or attorney, improper petitioners, **14:281**
  - amendment of description, **14:300**
  - amendment or correction of Multiple Dwelling Registration statement, **14:302, 14:303, 14:308**
  - apartment number missing or misidentified, **14:296**
  - assignee of rents as petitioner, **14:284**
  - caption defects, **14:274-14:277**
  - completeness of description, **14:297**
  - condominium board of managers as petitioner, **14:285**
  - condominium unit owner as respondent, **14:292**
  - default, whether irregularity will serve to vacate, **14:283**
  - default in rent, omission of specifics in, **14:311**
  - demand for rent, omission of allegation of, **14:312**
  - description, defective, **14:295-14:300**
  - estate of tenant as respondent, **14:288**
  - fact, statements of, **14:310-14:313**
  - fictional name, known respondent identified by, **14:277**
  - former receiver as petitioner, **14:286**
  - guarantor as respondent, **14:293**
  - improper petitioners, **14:280-14:281**
  - improper respondent, **14:291-14:293**
  - interests of parties, defects as to, **14:278-14:294**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Petition—Cont'd  
 defense based on defect in petition  
   —Cont'd  
     lack of Multiple Dwelling  
       Registration statement,  
       **14:305**  
     lapse of Multiple Dwelling  
       Registration statement,  
       **14:303**  
     lofts and de facto multiple  
       dwellings, Multiple Dwelling  
       Registration statement,  
       **14:304**  
     map or plan attached to plead-  
       ings, omission of, **14:298**  
     Multiple Dwelling Registration  
       statement defects, **14:301-**  
       **14:309**  
     notice, issuance and service of,  
       **14:313**  
     party's name or status, misstate-  
       ment as to, **14:275**  
     power of attorney, person hold-  
       ing, **14:282**  
     proper petitioners, **14:279**  
     proper respondents, **14:287-**  
       **14:290**  
     receipt, Multiple Dwelling  
       Registration statement,  
       **14:306, 14:307**  
     rent-regulatory status, statement  
       of, **14:314-14:317**  
     Section 8 housing, statement of  
       rent-regulatory status,  
       **14:317**  
     Section 8 tenant as respondent,  
       **14:289**  
     square footage or percentage  
       allocation of floor space,  
       absence of, **14:299**  
     subsidized housing, statement of  
       rent-regulatory status,  
       **14:316, 14:317**  
     subtenant as respondent, **14:290**  
     waiver of irregularity in  
       Multiple Dwelling  
       Registration statement,  
       **14:309**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Petition—Cont'd  
 defense based on defect in petition  
   —Cont'd  
     warranty of habitability, **14:318**  
     demand for rent, **14:126, 14:312**  
     description of premises, **14:120-**  
       **14:123, 14:295-14:300**  
     estate of tenant as respondent,  
       **14:288**  
     execution, commencement, and  
       expiration of lease, dates of,  
       **14:115**  
     fact, statements of, **14:310-14:313**  
     facts upon which proceedings is  
       predicated, **14:124-14:128**  
     fictitious name, known respondent  
       identified by, **14:277**  
     foreign corporations, statement of  
       interest of, **14:112, 14:113**  
     form, **14:103-14:107, 14:513**  
     former receiver as petitioner,  
       **14:286**  
     governmental petitioner, verifica-  
       tion by, **14:154**  
     guarantor as respondent, **14:293**  
     interests of parties, defects as to,  
       **14:278-14:294**  
     lapse of Multiple Dwelling  
       Registration statement,  
       **14:303**  
     lofts, **14:132, 14:133, 14:304**  
     map or plan, description of  
       premises, **14:122, 14:298**  
     multiple dwelling registration  
       statement, **14:129-14:135,**  
       **14:301-14:309**  
     municipal or governmental respon-  
       dent, statement of interest of,  
       **14:118**  
     necessary parties, **14:116**  
     New York City Section 8 tenants,  
       statement of rent regulatory  
       status, **14:138-14:140**  
     notice of petition, above  
       ownership, detailed factual recita-  
       tion of, **14:110**  
     parties, **14:106**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Petition—Cont'd  
    partnership petitioner, verification by, **14:153**  
    party's name or status, misstatement as to, **14:275**  
    petitioner's interest, statement of, **14:109-14:113**  
    power of attorney, person holding, **14:282**  
    quality, size, legibility, and language, **14:104**  
    receipt, Multiple Dwelling Registration statement, **14:306, 14:307**  
    relief sought, **14:148**  
    rent regulatory status, **14:136-14:147, 14:314-14:317**  
    respondent's interest, statement of, **14:114-14:119**  
    Section 8 housing, statement of rent-regulatory status, **14:317**  
    Section 8 tenant as respondent, **14:289**  
    square footage or percentage allocation of floor space, absence of, **14:299**  
    subsidized housing, statement of rent regulatory status, **14:137-14:140, 14:316, 14:317**  
    subtenant as respondent, **14:290**  
    two family home, rent regulatory status, **14:147**  
    unknown tenants, undertenants, or occupants, statement of respondent's interest, **14:119**  
    verification, **14:149-14:155**  
    waiver of irregularity in Multiple Dwelling Registration statement, **14:309**  
    warranty of habitability, **14:318**  
Pleading-related defects, **14:265-14:328**  
Possession, party not in, **14:371-14:374**  
Postcard requirement, service, **14:212-14:214**  
Power of attorney, person holding, **14:78, 14:79, 14:282**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Prejudice to tenant, laches, **14:349**  
Presumption  
    economic-feasibility cases, discovery, **14:410**  
    regularity and receipt, service of process, **14:199**  
    signed agreement considered understood and accepted, **14:432**  
Presumption agreement understood and accepted once signed, **14:432**  
Presumption of regularity and receipt, service of process, **14:199, 14:205**  
Prevailing party, attorneys' fees, **14:500-14:503**  
Prima facie case, **14:459**  
Process server, testimony of, **14:261, 14:262**  
Produce, notice to, **14:413**  
Pro se litigants, stipulations, **14:441, 14:448, 14:452**  
Punitive damages, **14:396**  
Quality, **14:73, 14:104, 14:223**  
Receipt, Multiple Dwelling Registration statement, **14:306, 14:307**  
Record-keeping requirements, service of process, **14:159**  
Reduction of award, **14:397**  
Religious holidays, conspicuous-place service, **14:191**  
Repair obligations, stipulations, **14:424, 14:425**  
Rest hours, conspicuous-place service, **14:190**  
Sanctions, filing of non-military affidavit, **14:255**  
Secretary of State, personal service, **14:168**  
Section 8 housing  
    certification procedure, **14:65-14:67**  
    statement of rent-regulatory status, **14:317**  
    tenant as respondent, **14:83, 14:289**

## NONPAYMENT PROCEEDINGS

### —Cont'd

Security deposits, **14:234, 14:369**  
 Service of process  
     generally, **14:156-14:214**  
     answers, **14:225**  
     conspicuous-place service, above  
     defects in proof of service, **14:209**  
     demands, **14:48, 14:56, 14:327**  
     filing proof of service  
         generally, **14:206-14:211**  
         defects, **14:209**  
         delivery to judge, **14:211**  
         late filings, **14:210**  
         time to file, **14:207**  
         what to file, **14:208**  
     licensing requirement, New York  
         City, **14:160, 14:161**  
     limitation of statutory requirements  
         by lease, **14:157**  
     mailing requirement  
         generally, **14:201-14:205**  
         business respondent, **14:203**  
         conspicuous-place service,  
             **14:198, 14:199**  
         full and complete address, use  
             of, **14:204**  
         individual respondent, **14:202**  
         presumption of regularity and  
         receipt, **14:199, 14:205**  
         substituted service, **14:183**  
     methods of service, **14:164-14:200**  
     New York City Civil Court post-  
     card requirement, **14:212-14:214**  
     personal service, above  
     persons who may serve process,  
         **14:158-14:161**  
     persons who must be served,  
         **14:162**  
     postcard rule, **14:212-14:214**  
     presumption of regularity and  
     receipt, **14:199, 14:205**  
     record-keeping requirements,  
         **14:159**  
     sanction for noncompliance, New  
         York City Civil Court post-  
         card requirement, **14:214**  
     substituted service, below

## NONPAYMENT PROCEEDINGS

### —Cont'd

Service of process—Cont'd  
     time for service, **14:163**  
     time to file proof of service,  
         **14:207**  
     Severance of unrelated  
         counterclaims, **14:236, 14:237**  
     Show cause order, **14:71**  
     Size of pleadings, **14:73, 14:104,**  
         **14:223**  
     Social service call-ins, **14:487**  
     Specificity of demand, **14:50, 14:324**  
     Speigel defense, N.Y. Soc. Serv. Law  
         § 145-b, **14:388**  
     Square footage or percentage alloca-  
         tion of floor space, absence of,  
         **14:299**  
     Stays, notice of eviction and warrant,  
         **14:489**  
     Stipulations  
         generally, **14:418-14:448**  
         attorneys' fees, **14:503**  
         avoidance of forfeiture, de minimis  
         defaults, **14:436**  
         consent judgment not appealable,  
             **14:429**  
         default, remedy for, **14:426-14:431**  
         de minimis defaults, **14:434-**  
             **14:436**  
         enforcement, **14:433-14:441**  
         essential elements  
             generally, **14:421**  
             remedy for default, **14:426-**  
                 **14:431**  
             rental arrears payment schedule,  
                 **14:423**  
             rent due statement, **14:422**  
             repair obligations, **14:424, 425**  
         final judgment, issuance in event  
         of default, **14:428, 14:429**  
         form, **14:420, 14:526, 14:527**  
         fraud, collusion, or mistake,  
         vacatur of stipulations,  
             **14:443**  
         judgments, **14:472**  
         late payment of rent arrears, de  
         minimis defaults, **14:435**



## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

##### Stipulations—Cont'd

misapplication of stipulated payments, vacatur of stipulations, **14:444**

overcharges of rent, illegal rents, or waivers of rent regulation, **14:440**

presumption agreement understood and accepted once signed, **14:432**

procedure, **14:419**

pro se litigants, **14:441, 14:448**

repair obligations, **14:424, 14:425**

restoration of case to court calendar in event of default, **14:427**

schedule for payment of rent arrears, **14:423**

statement of rent due, **14:422**

termination of proceeding, **14:431**

third party, tender of rent by, **14:445**

unjust or harsh terms, vacatur of stipulations, **14:447**

vacatur of stipulations, **14:442-14:448**

waiver of statutory rights, **14:438-14:440**

warranty of habitability, waiver of, **14:439**

Subject matter jurisdiction, lack of, **14:256, 14:257**

Subsidized housing, statement of rent regulatory status, **14:137-14:140, 14:316, 14:317**

##### Substituted service

generally, **14:175-14:184**

completion of service, **14:184**

employees of landlord, service upon, **14:180**

employees of respondent, service upon, **14:178, 14:179**

form, affidavit, **14:520**

mailing requirement, **14:183**

minors, service upon, **14:177**

neighbors and guests of respondent, **14:181**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

##### Substituted service—Cont'd

premises, service at, **14:182**

subtenant, service upon, **14:179**

suitable age and discretion, **14:176-14:181**

##### Subtenants

constructive eviction, **14:337**

respondents, **14:84, 14:290**

substituted service, **14:179**

warranty of habitability, **14:398, 14:399**

Summary judgment, **14:405**

Summary proceedings, effect of Federal Debt Collection Practices Act, **14:22**

Summary remedy, **14:3**

Summations, **14:461**

Sundays, conspicuous-place service, **14:191**

Tenants in common, **14:358**

Termination of proceeding, stipulations, **14:431**

Third party, tender of rent by, **14:9, 14:446**

##### Time and date

answer, **14:217-14:219**

filing of proof of service, **14:207**

jury demand, **14:241**

notice of claim against government and municipal tenants, **14:58-14:63**

N.Y. Real Prop. Acts Law § 731, hearing, **14:96**

N.Y. Real Prop. Acts Law § 732, answer, **14:89**

service of process, **14:163**

“time is of the essence,” **14:437**

written rent demand, **14:19**

Town tenants, **14:62**

Traverse hearing, **14:260-14:263**

Trial. Hearing and trial, above

Two family home, rent regulatory status, **14:147**

Unjust terms, vacatur of stipulations, **14:447**

Unknown tenants, undertenants, or occupants, statement of respon-

## NONPAYMENT PROCEEDINGS

### —Cont'd

- tenant's interest, **14:119**
- Unlawful rent, **14:375, 14:376**
- Vacatur of default, **14:249-14:252**
- Vacatur of stipulations, **14:442-14:448**
- Vacatur of warrant, **14:493**
- Venue, **14:12-14:14**
- Verification
  - generally, **14:149-14:155, 14:515-14:518**
  - answer, **14:239**
  - attorney, **14:155, 14:518**
  - corporate, **14:516**
  - defective verification, **14:319-14:321**
  - form of verification, **14:150**
  - governments, **14:154**
  - individual, **14:515**
  - notarial errors, defective verification, **14:320**
  - partnership, **14:153, 14:517**
  - petition, **14:149-14:155**
  - who may verify, **14:151**
- Village tenants, **14:63**
- Waiver and estoppel
  - attorney's fees, compromise and settlement, **14:368**
  - judicial estoppel, **14:406, 14:466**
  - jury trial, **14:242-14:244**
  - service-related objections, **14:264**
  - statutory rights, stipulations, **14:438-14:440**
- Warehouse sale of stored goods to satisfy lien, **14:486**
- Warrants. Notice of eviction and warrant, above
- Warranty of habitability
  - counterclaims, **14:235**
  - defense to nonpayment proceeding
    - generally, **14:389**
    - claims of habitability breaches made to DHCR, **14:392**
    - commercial disputes, **14:400**
    - condominium owners, **14:401**
    - misconduct of tenant, **14:394**

## NONPAYMENT PROCEEDINGS

### —Cont'd

- Warranty of habitability—Cont'd
    - defense to nonpayment proceeding
      - Cont'd
      - mitigating factors, **14:393-14:397**
      - relief available, **14:396-14:397**
      - strike or labor dispute, **14:395**
      - sublessors or other tenants not in possession, **14:399**
      - subtenants, **14:398**
      - types of conditions found violative of statute, **14:391**
      - waiver void, **14:390**
    - petition defects, **14:318**
    - stipulations, **14:439**
  - Weekends and prior to normal work hours, conspicuous-place service, **14:188**
  - Yellowstone Injunctions** (this index)
- ## NON-PRIMARY RESIDENCE
- Termination of Lease** (this index)
- ## NONPROFIT INSTITUTIONS
- Parties to lease agreements, **4:35, 4:42**
  - Property taxes, **4:216**
  - Rent Control and Rent Stabilization** (this index)
  - Termination of Lease** (this index)
- ## NONTENANT OCCUPANTS
- Illegal Evictions** (this index)
- ## NONWAIVABLE, NONMODIFIABLE RIGHTS
- Lease Agreements** (this index)
- ## NOTARIAL ERRORS
- Holdover proceedings, defective verification, **15:458**
  - Nonpayment proceedings, defective verification, **14:320**
- ## NOTICE
- Administrative Proceedings** (this index)
  - Article 7-A proceedings, **16:71, 16:85, 16:86, 16:462**
  - Constructive Notice** (this index)

## INDEX

### NOTICE—Cont'd

- Contempt, **16:324**
- Disabled tenants' right to reasonable accommodation, **4:359**
- Government Subsidized housing, New York State Programs** (this index)
- Holdover Proceedings** (this index)
- HP Proceedings** (this index)
- Lease Agreements** (this index)
- Loan Programs, Federal** (this index)
- Lofts
  - access, **18:67, 18:68**
  - holdover proceeding, **18:183**
- Manufactured home parks, **4:223**
- Multiple dwelling law, **12:59**
- Nonpayment Proceedings** (this index)
- Premises liability, foreseeability, **12:41-12:43**
- Roommates, **3:42**
- Squatters and intruders, **3:85**
- Subleases and assignments, **4:120**
- Termination of Lease** (this index)
- Third parties. **Notice of Tenancy to Third Parties** (this index)
- Warranty of habitability, **9:29, 9:97**

### NOTICE OF TENANCY TO THIRD PARTIES

- Generally, **2:62-2:87**
- Actual notice, **2:63, 2:68**
- Cancellation of lis pendens, **2:86**
- Constructive notice
  - generally, **2:64-2:73**
  - effect of recording, **2:69, 2:70**
  - form, memoranda of lease, **2:173**
  - memoranda of lease, **2:71, 2:173**
  - modification of leases, recording of, **2:72**
  - money damages, tenant relegated to action for owner's breach of lease, **2:70**
  - possession, **2:64**
  - recordation, **2:65-2:73**
  - rent-regulated rents, registration of, **2:73**

### NOTICE OF TENANCY TO THIRD PARTIES—Cont'd

- Constructive notice—Cont'd
  - three years, lease for more than, **2:66-2:68**
- Duration of lis pendens, **2:85, 2:86**
- Foreclosure, **2:77-2:79, 2:87**
- Lis pendens
  - generally, **2:81-2:86**
  - cancellation, **2:86**
  - content of notice, **2:84**
  - duration, **2:85, 2:86**
  - filing procedures, **2:83**
  - summary proceedings, **2:82**
- Memoranda of lease, **2:71, 2:173**
- Modification of leases, recording of, **2:72**
- Mortgages
  - generally, **2:74-2:79**
  - conflict between mortgages, **2:79**
  - foreclosure, lease subject to, **2:77-2:79**
  - lease subject to all prior recorded liens, **2:75**
  - lis pendens, above
  - recorded lease superior to subsequent mortgage, **2:76**
  - sale of property, effect of, **2:80**
  - subordination clause, lease extinguished in foreclosure, **2:78**
- Possession as constructive notice, **2:64**
- Recordation as constructive notice, **2:65-2:73**
- Rent-regulated units, **2:73, 2:87**
- Subordination clause, lease extinguished in foreclosure, **2:78**
- Summary proceedings, lis pendens, **2:82**

### NUISANCE

- Generally, **13:87 et seq.**
- Cats, harboring of, **13:99**
- Chronic nonpayment of rent, **13:90**
- Conditional limitation for rent-related default, exercising, **13:89, 13:90**
- Dangerous animals, **13:96 et seq.**

**NUISANCE—Cont'd**

Defined, **13:87**  
 Dogs, dangerous, **13:97, 13:98**  
 Drug use and sales, **13:92**  
 Emergency Rent Protection Act tenants, procedure for termination, **13:102**  
 Environmental liability, **12:160-12:165**  
 Fire hazards, **13:91**  
 Health hazards, **13:91**  
 Holdover proceedings ground, **15:32**  
 New York City rent-stabilized tenants, procedure for termination, **13:103**  
 Nonpayment of rent, chronic, **13:90**  
 Pets, **13:95 et seq.**  
 Procedure for termination, **13:101 et seq.**  
 Property damage, **13:100**  
 Rent, chronic nonpayment of, **13:90**  
 Rent-regulated tenants, procedure for termination, **13:101, 13:104**  
 Wild animals, **13:96**

**NURSING HOMES**

Age discrimination, **5:166, 5:167**  
 Human Rights Law (NY), discrimination against blind persons, **5:92**

**N.Y. REAL PROP. ACT § 755 STAY**

**Nonpayment Proceedings** (this index)

**N.Y. REAL PROP. ACTS LAW § 731**

**Nonpayment Proceedings** (this index)

**N.Y. REAL PROP. ACTS LAW § 732**

**Nonpayment Proceedings** (this index)

**OBJECTIONABLE CONDUCT**

**Nuisance** (this index)

**OBLIGATIONS OF TENANCY**

**Rights and Obligations of Tenancy** (this index)

**OBVIOUS CONDITIONS**

Premises liability, **12:12, 12:13**

**OCCUPANCY LIMITS**

Disabled persons, discrimination against, **5:182**  
 Fair Housing Act, **5:48**

**OCCUPANCY RELATIONSHIPS  
SIMILAR TO TENANCIES**

Generally, **3:1-3:101**  
 Adult-home residents, **3:99-3:101**  
**Employer and Employee** (this index)  
 Eviction of occupant who has wrongfully ousted party entitled to lawful possession, **3:4**  
**Guests and Lodgers** (this index)  
 Illegal eviction law  
     generally, **3:11-3:19**  
     licensee-subtenant, protection of, **3:16**  
     New York City Unlawful Evictions Law, **3:19**  
     peaceable possession of occupant, **3:14-3:18**  
     prior law, compared, **3:12**  
     proposed subtenant, protection of, **3:18**  
     school operator whose license expired, protection of, **3:17**  
     unlawful removal, defined, **3:13**  
 Intruders. **Squatters and Intruders** (this index)  
 Licensee-subtenant, protection of, **3:16**  
**Licenses** (this index)  
 Lodgers. **Guests and Lodgers** (this index)  
 Peaceable possession of occupant, **3:14-3:18**  
 Peaceable self-help, **3:8**  
 Proposed subtenant, protection of, **3:18**  
**Roommates** (this index)  
 School operator whose license expired, protection of, **3:17**  
 Self-help  
     generally, **3:5-3:10**  
     justification, **3:7**  
     peaceable self-help, **3:8**

## INDEX

### OCCUPANCY RELATIONSHIPS SIMILAR TO TENANCIES

#### —Cont'd

#### Self-help—Cont'd

two weeks, occupant in apartment  
for only, **3:6**

unlawful activity by occupant, **3:9,**  
**3:10**

#### Squatters and Intruders (this index)

Summary proceedings, **3:2-3:4**

### ODORS

Termination of lease, **13:94**

Warranty of habitability, **9:62**

### OFFSETS

Condition of premises, **10:74**

Rent control and rent stabilization,  
**11:373, 11:395**

Security Deposits (this index)

### OIL BROKERS

Navigation Law § 181, **12:153**

### OMNIBUS HOUSING ACT OF 1983

Rent control and rent stabilization,  
**11:29**

### OPENING STATEMENTS

Nonpayment proceedings, **14:458**

### OPERATIONAL BULLETINS

Rent control and rent stabilization,  
**11:501**

### OPTIONS

Generally, **4:295 et seq.**

Acceptance of rent after option  
period, **4:314**

Amount of rent, certainty and  
definiteness of renewal provi-  
sions, **4:298 et seq.**

Arbitration, deferral of amount of  
rent to, **4:301**

Automatic renewal, **4:296**

Certainty of terms, **4:297 et seq.,**  
**4:317**

Covenants as conditions precedent,  
**4:306**

Equitable considerations, **4:313,**  
**4:320**

### OPTIONS—Cont'd

Fair market value, amount of rent,  
**4:300**

Inconsequential discrepancies in  
exercise of option, **4:311**

Manner of exercise of option, **4:303**

Persons who can exercise option,  
**4:304**

#### Purchase options

generally, **4:316-4:323**

certainty of terms, **4:317**

compliance with lease require-  
ments, **4:321, 4:322**

equity may intervene to avoid for-  
feiture, **4:320**

exercise of option, **4:319-4:322**

legal effect, **4:318**

specific performance, **4:323**

strict adherence, **4:319**

waiver of breach preserves option,  
**4:322**

Renewal provisions, **4:295 et seq.**

Right of first refusal to purchase  
generally, **4:324-4:327**

landlord cannot defeat tenant's  
right to purchase, **4:327**

purchase option, distinguished,  
**4:325**

refusal of landlord to perform,  
**4:326**

Right of first refusal to renew, **4:315**

Specific performance, **4:323**

Specified formula or guideline,  
amount of rent, **4:299, 4:300**

Strict compliance, **4:307**

#### Sweetheart leases

federal law, **4:308**

state law, **4:308**

Term or duration of lease or tenancy,  
**4:59, 4:60, 4:63, 4:64**

Timeliness of notice of exercise,  
**4:312-4:314**

Time to exercise option, **4:303**

Waiver of breach preserves option,  
**4:322**

### OVERCHARGES OF RENT

Article 7-A proceedings, **16:129,**  
**16:130**

**OVERCHARGES OF RENT**  
—Cont'd

Holdover proceedings, **15:371, 15:372, 15:456, 15:564**  
Nonpayment proceedings, **14:232, 14:233, 14:440**  
Petition for administrative review, **17:84**  
**Rent Control and Rent Stabilization** (this index)  
Section 8 Housing program, **19:51**  
Single room occupancy units (SROs), rent-stabilization, **18:209**

**OVERCROWDING**

Roommates, **3:44**

**OWNER OCCUPANCY**

**Rent Control and Rent Stabilization** (this index)  
**Termination of Lease** (this index)

**PACKAGE-ROOM SERVICE**

Warranty of habitability, **9:63**

**PAINT AND PAINTING**

**Lead Poisoning** (this index)  
Rent control and rent stabilization, **11:230**  
Warranty of habitability, **9:52, 9:64**

**PARKING AND PARKING CHARGES**

Generally, **4:92-4:95**  
Delineation of parking privileges, **4:93**  
Disabled persons, discrimination against, **5:179**  
Payment terms, **4:94, 4:95**  
Rent-regulation, **4:95**

**PAROL EVIDENCE**

Enforcement of lease agreements, **4:338**

**PARTIES**

Environmental liability, actions for nuisance or trespass, **12:163**  
Illegal evictions, New York City, **16:445 et seq.**  
Lease agreements. **Parties to Lease Agreements** (this index)

**PARTIES—Cont'd**

**Nonpayment Proceedings** (this index)  
**Standing** (this index)  
**Termination of Lease** (this index)  
**Third Parties** (this index)  
Yellowstone injunctions, **16:173-16:176**

**PARTIES TO LEASE**

**AGREEMENTS**

Generally, **4:31-4:42**  
Agents, **4:39**  
Corporations, **4:34-4:36, 4:42**  
Entities, **4:33-4:43**  
Licenses, real estate brokers, **4:40**  
Municipalities, **4:38**  
Natural persons, **4:32**  
Not-for-profit corporations, **4:35, 4:42**  
Partnerships, **4:37**  
Real estate brokers, **4:40-4:43**  
Religious corporations, **4:36**  
Statute of frauds, real estate brokers, **4:43**  
Tenant associations, real estate brokers, **4:42**

**PARTNERSHIPS**

Holdover proceedings, **15:291, 15:312, 15:655**  
Nonpayment proceedings, **14:153, 14:170**  
Parties to lease agreements, **4:37**  
Rent control and rent stabilization, recovery of unit for owner occupancy, **11:461**

**PATENT DEFECTS**

Condition of premises, **10:71, 10:72**

**PAYMENT**

**Nonpayment Proceedings** (this index)

**PENALTIES**

Asbestos, **12:99**  
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, **12:134**

## INDEX

### **PENALTIES—Cont'd**

- Discrimination, **5:101, 5:216, 5:237, 5:238**
- Environmental Conservation Law, **12:157**
- Frivolous conduct, **1:52**
- HP proceedings, **16:291, 16:294 et seq.**
- Illegal evictions, New York City, **16:454-16:456**
- Lead poisoning, failure to abate, **12:86**
- Lofts, **18:74, 18:159**
- Military service, interference by landlord, **13:163**
- Rent and other charges, failure to provide receipt for payment, **6:17**
- Rent Control and Rent Stabilization** (this index)
- Senior citizens entering adult care facilities, interference by landlord, **13:156**
- Water Pollution Control Act, **12:146**
- Window guards, **12:115**

### **PERCENTAGE LEASES**

- Rent and other charges, **4:73, 4:74, 6:13**
- Use and occupancy of premises, **10:101**

### **PERIODIC TENANCIES**

- Generally, **2:112-2:114**

### **PERMISSION**

- Consent or Approval** (this index)

### **PERPETUAL LEASES**

- Generally, **2:38, 2:101**

### **PERPETUITIES, RULE AGAINST**

- Term or duration of lease or tenancy, **4:61-4:64**

### **PERSONAL SERVICE**

- Nonpayment Proceedings** (this index)
- Yellowstone injunctions, **16:204**

### **PEST INFESTATION**

- Warranty of habitability, **9:49, 9:50**

### **PETITION FOR**

#### **ADMINISTRATIVE REVIEW**

- Generally, **17:51-17:106**
- Administrative finality, **17:94**
- Administrative review limited to record, **17:72**
- Advance notice of agency election to reopen proceeding, **17:105**
- Aggrieved persons, **17:53**
- Automatic stay of retroactive portion of order, **17:83-17:85**
- Change in law while petition pending, **17:91**
- Comity, **17:94**
- Consolidation of petitions, **17:55**
- Content. Form and content, below
- Division of Housing and Community Renewal form must be used for District Rent Orders, **17:67, 17:68**
- Emergency Tenant Protection Regulations, time to file, **17:59-17:65**
- Filing. Service and filing, below
- Final determination by commissioner generally, **17:88-17:95**
  - change in law while petition pending, **17:91**
  - comity, judicial economy, and administrative finality, **17:94**
  - denials must be reported to party, **17:95**
  - jurisdiction beyond time limits for review of orders, **17:93, 17:94**
  - remand is not final determination, **17:89**
  - scope of relief, **17:90**
  - time for final action, **17:92-17:94**
- Form and content generally, **17:66-17:72**
  - administrative review limited to record, **17:72**
  - Division of Housing and Community Renewal form must be used for District Rent Orders, **17:67, 17:68**
  - letter does not satisfy form requirements, **17:71**



**PETITION FOR  
ADMINISTRATIVE REVIEW  
—Cont'd**

Form and content—Cont'd  
rent control regulations, not prescribed form, **17:69, 17:70**

Fraud. Modification or revocation of determination for illegality, irregularity, or fraud, below

Illegality. Modification or revocation of determination for illegality, irregularity, or fraud, below

Irregularity. Modification or revocation of determination for illegality, irregularity, or fraud, below

Joint petitions, **17:54**

Judicial economy, **17:94**

Judicial review, **17:106**

Letter does not satisfy form requirements, **17:71**

Modification or revocation of determination for illegality, irregularity, or fraud  
generally, **17:96-17:103**  
correction of illegality, **17:97**  
rent rollback, **17:99**  
reopening based on irregularity, **17:98-17:103**  
service of administrative complaint, **17:102**  
service of initial legal rent notice, **17:101**  
untimely petitions, **17:100**

Modification to correct clerical errors, **17:104**

New York City Rent Stabilization Code, time to file, **17:60**

Overcharge of rent, **17:84**

Presumption of receipt of District Rent Office order, **17:62**

Remand is not final determination, **17:89**

Rent control regulations, not prescribed form, **17:69, 17:70**

Rent rollback, **17:99**

Revocation. Modification or revocation of determination for illegality, irregularity, or fraud, above

**PETITION FOR  
ADMINISTRATIVE REVIEW  
—Cont'd**

Service and filing  
generally, **17:52 et seq., 17:73-17:77**  
administrative complaint, **17:102**  
initial legal rent notice, **17:101**  
rent control, order issued under concerning, **17:76, 17:77**  
rent stabilized units, petition concerning, **17:75**

Stays pending determination  
generally, **17:82-17:87**  
additional discretionary stay of prospective portion of order, **17:86**  
automatic stay of retroactive portion of order, **17:83-17:85**  
eviction, certificate of, **17:85**  
overcharge of rent, **17:84**  
summary proceedings, **17:87**

Summary proceedings, **17:87**

Time for final action, **17:92-17:94**

Time to file answer  
generally, **17:78-17:81**  
action by commissioner, **17:81**  
rent control regulations, **17:79**  
rent stabilization regulations, **17:80**

Time to file petition  
generally, **17:56-17:65**

Emergency Tenant Protection Regulations, **17:59-17:65**

issuance date of District Rent Office order, time runs from, **17:61-17:63**

New York City Rent Stabilization Code, **17:60**

presumption of receipt of District Rent Office order, **17:62**

reconsideration barred by failure to timely file, **17:64, 17:65**

rent control regulations, **17:57, 17:58**

Untimely petitions, **17:100**

**PETITIONS**

Administrative review. **Petition for Administrative Review** (this index)

## INDEX

### PETITIONS—Cont'd

**Article 7-A Proceedings** (this index)

**HP Proceedings** (this index)

**Nonpayment Proceedings** (this index)

### PETROLEUM PRODUCTS

Strict liability, **12:105, 12:106**

### PETS

Generally, **4:191-4:196**

Cooperative and condominium occupants, **2:137**

Covenant not to maintain pets, **15:18-15:20**

Disabled persons, discrimination against, **5:180**

Elderly tenants in federal housing, **4:193, 15:20**

**Emotional Support Animals** (this index)

Holdover proceeding grounds, **15:18-15:20, 15:514**

New York City, waiver of restrictions, **4:195, 4:196**

New York City Housing Authority, waiver of restrictions, **4:196**

Nuisance, **13:95 et seq.**

Restrictions, **4:192-4:196**

Statutory waivers, pets, **15:514**

Termination of lease, **13:51, 13:52**

Waiver of restrictions, **4:194-4:196**

Warranty of habitability, **9:61**

### PICKETING

Rent strikes, **16:38**

### PLEADINGS

**Answers** (this index)

**Article 7-A Proceedings** (this index)

**Article 78 Proceedings** (this index)

**Petition for Administrative Review** (this index)

**Petitions** (this index)

Warranty of habitability, **9:96, 9:97**

### PLUMBING

Warranty of habitability, **9:65**

### POLICE OFFICERS

**Fireman's Rule** (this index)

### POLICY STATEMENTS

Rent control and rent stabilization, **11:502**

### “POOR PERSON” PROCEEDINGS

Generally, **16:345 et seq.**

Appeals, **16:352, 16:353**

Assignment of counsel

generally, **16:362 et seq.**

contingency arrangements with private counsel, **16:366**

mandatory, assignment not, **16:365**

rebuttal of appointment, **16:364**

Attorneys

assignment of counsel, above, **16:356**

certification, motion not necessary, **16:356**

Content of application, **16:354 et seq.**

Contingency arrangements with private counsel, **16:366**

Depositions, **16:347, 16:348**

Distribution of recovery, **16:367**

Factors considered in determining whether to grant “poor person” status, **16:359 et seq.**

Forms

affidavit in support of application to commence action as “poor person,” **16:480**

ex parte order granting leave to proceed as “poor person,” **16:479**

Jury fees, **16:349, 16:350**

Mathematical calculations, **16:360, 16:361**

Motion not necessary, **16:355, 16:356**

Order granting leave to prosecute as “poor person,” **16:358**

Purpose, **16:346**

Service of motions and papers, **16:357**

Stenographic transcripts, appeals, **16:353**

Time to make jury demand, **16:350**

Translation costs, depositions, **16:348**

Witness fees, **16:351**

## POSSESSION OF PROPERTY

Generally, **8:1-8:66, 10:25-10:37**  
 Abandonment, constructive eviction, **8:36**  
 Assignee of tenant, delivery to, **10:27**  
 Breach of duty to deliver, establishment of, **10:28**  
 Commercial premises, condition of, **8:4**  
 Compelling of delivery of possession, **8:18-8:22**  
 Consideration, recovery of, **8:16**  
 Constructive eviction, **8:35-8:37**  
 Contract damages, **8:25**  
 Damages, **8:17, 8:23-8:25, 8:39**  
 Declaratory relief, **8:20, 8:22**  
 Delayed possession, provisions for, **8:2**  
 Delivery of possession, generally, **8:1-8:9, 10:25-10:37**  
 Deprivations of possession, **8:26-8:41**  
 Ejectment, **8:19**  
 Equitable relief, **10:36**  
 Exclusive possessory rights during tenancy term, **8:6-8:9**  
 Failure of tenant to take possession, **8:10-8:13**  
 Holdover tenant, summary proceeding to acquire possession from, **10:33**  
 Illegal lockouts, **8:38-8:41**  
 Implied duty to deliver possession, **8:1, 8:2**  
 Injunctive relief, **8:20, 8:22**  
 Lockouts, illegal, **8:38-8:41**  
 "Loss of the bargain," **10:31**  
 Lost profits, **8:24, 10:32**  
 Multiple tenants, occupants in residential premises, **8:9**  
 Nature of duty, **10:26, 10:27**  
 Occupants in residential premises, **8:7-8:9**  
 Partial constructive eviction, **8:37**  
 Remedies for failure to tender possession and deprivations of possession, **8:14-8:25, 10:29-10:36**  
 Rent-controlled tenants, failure of tenant to take possession, **8:12**

## POSSESSION OF PROPERTY

### —Cont'd

Rent-stabilized tenants, failure of tenant to take possession, **8:13**  
 Rescission, **8:15, 10:30**  
 Residential premises, condition of, **8:5**  
 Scope of duty, **10:26, 10:27**  
 Self-help, illegal lockouts, **8:40, 8:41**  
 Specific performance, **8:20, 8:21**  
 Squatters, removal of, **10:34, 10:35**  
 Statutory tenants, failure of tenant to take possession, **8:11-8:13**  
 Summary proceedings, **10:33, 10:34**  
**Surrender of Possession** (this index)  
 Treble damages, illegal lockouts, **8:39**  
 Waiver of breach, **10:37**  
**Warranty of Habitability** (this index)

## POWER OF ATTORNEY

Nonpayment proceedings, **14:78, 14:79, 14:282**

## PREEMPTION

**Loan Programs, Federal** (this index)  
 Section 8 Housing program, **19:30-19:32, 19:306**

## PREFERENCES

Government subsidized housing, New York State programs, selection of tenants, **19:198**  
**HOME Program, 19:111**  
 Loan programs, New York City, **19:290**  
 Low-income housing trust-fund program, selection of tenants, **19:246**  
 Low-income turnkey-housing trust fund program, selection of tenants, **19:267**  
 Rural rental assistance program, **19:285**  
 Section 8 Housing program, selection of tenants, **19:36-19:40**

## PREJUDICE

Administrative proceedings, divestiture of jurisdiction, **17:16**

## INDEX

### **PREJUDICE—Cont'd**

Nonpayment proceedings, laches,  
**14:349**

### **PRELIMINARY INJUNCTIONS**

Condition of premises, **10:77**

Discrimination, **5:228**

### **PREMISES LIABILITY**

Generally, **12:1-12:209**

Access to building, security against  
crime, **12:28**

AIDS, failure to disclose that owner  
or former occupant infected  
with, **12:208**

**Asbestos** (this index)

Assumption of duty of care by  
landlord, **12:38**

Basis of duty of care, **12:9**

Carbon-monoxide detectors, **12:187**

Causation, **12:26-12:28, 12:50-12:53**

Clear and unambiguous liability limi-  
tations, waiver of liability,  
**12:123, 12:124**

Construction of exculpatory agree-  
ments and clauses, **12:125,**  
**12:126**

Constructive notice, foreseeability,  
**12:43**

Contractual liability

generally, **12:116-12:126**

clear and unambiguous liability  
limitations, waiver of liability,  
**12:123, 12:124**

construction of exculpatory agree-  
ments and clauses, **12:125,**  
**12:126**

exculpatory agreements and  
clauses, **12:120, 12:121,**  
**12:125, 12:126**

maintenance and repair, agreement  
of landlord, **12:117**

privity, **12:119**

reentry may does not impose  
liability, **12:118**

waiver of liability, **12:122-12:126**

Control determines liability, **12:10,**  
**12:15**

Conveyance of title. Termination of  
liability, below

### **PREMISES LIABILITY—Cont'd**

Crime, security against. Security  
against crime, below

Criminal conduct, eviction for, **12:35**

Dangerous condition, liability of state  
for, **12:192**

Death, failure to disclose that prop-  
erty was location of, **12:209**

Delegation of duty, foreseeability,  
**12:47-12:49**

Design defects, inspections by  
landlord, **12:18, 12:19**

Disclosure of property condition,  
**12:182 et seq.**

Duration of liability, **12:176 et seq.**

Duty of care, **12:8-12:10, 12:38,**  
**12:39**

Electronic Lease Offer, **App. 12-7**

**Environmental Liability** (this index)

Exculpatory agreements and clauses,  
**12:120, 12:121, 12:125, 12:126**

Felony, failure to disclose that prop-  
erty was location of, **12:209**

**Fireman's Rule** (this index)

Flood history and risk lease rider/  
notice to residential tenants,  
**App. 12-10**

Foreseeability

generally, **12:40-12:49**

actual notice, **12:42**

constructive notice, **12:43**

defined, **12:44-12:46**

delegation of duty, **12:47-12:49**

invitees or licensees, **12:6, 12:45**

notice, **12:41-12:43**

obvious conditions, **12:13**

security against crime, **12:23-**  
**12:25**

status distinctions, **12:6, 12:45,**  
**12:46**

trespassers, **12:6, 12:46**

General public, duty to, **12:7**

Government immunity, **12:189-**  
**12:192**

Homicide, failure to disclose that  
property was location of, **12:209**

Immunities

generally, **12:188-12:209**

**PREMISES LIABILITY—Cont'd**

Immunities—Cont'd

AIDS, failure to disclose that owner or former occupant infected with, **12:208**

dangerous condition, liability of state for, **12:192**

**Fireman's Rule** (this index)

government immunity, **12:189-12:192**

homicide, suicide, death, or other felony, failure to disclose that property was location of, **12:209**

police officers. **Fireman's Rule** (this index)

**Recreational Use Immunity** (this index)

special relationship, waiver of immunity, **12:191**

state, waiver of immunity of, **12:190**

waiver of immunity, **12:190, 12:191**

Inspections by landlord

generally, **12:16-12:19**

design or structural defects, **12:18, 12:19**

duty of landlord, generally, **12:16**

right to reenter and repair, **12:19**

statutory or contractual duty, **12:17-12:19**

Invitees, foreseeability, **12:6, 12:45**

**Lead Poisoning** (this index)

Lease/Commencement Of

Occupancy Notice For Indoor Allergen Hazards, **App. 12-9**

Licensees, foreseeability, **12:6, 12:45**

Locks, failure to provide, **12:27**

Maintenance, generally, **12:117**

Misconduct of tenants

generally, **12:31-12:35**

criminal conduct, eviction for, **12:35**

eviction, grounds for, **12:32, 12:33**  
isolated instances of misconduct, **12:33**

**Multiple Dwelling Law** (this index)

Natural, open conditions, **12:14**

**PREMISES LIABILITY—Cont'd**

Notice, foreseeability, **12:41-12:43**

Obvious conditions, **12:12, 12:13**

Occupancy determines liability, **12:10**

Open, natural conditions, **12:14**

Ordinary care, **12:4-12:7**

Ordinary negligence, **12:2-12:53**

Ownership determines liability, **12:10**

Persons With Disabilities, Disclosing Tenants' Rights, **App. 12-12**

Police officers. **Fireman's Rule** (this index)

Privity, contractual liability, **12:119**

Procedure For Tenants Regarding Suspected Gas Leaks, **App. 12-11**

Proximate cause, **12:51-12:53**

Public entities, security against crime, **12:30**

**Recreational Use Immunity** (this index)

Reentry may does not impose liability, **12:118**

Renewal Lease Form, **App. 12-8**

Repair, generally, **12:117**

Security against crime

generally, **12:21-12:30**

access to building, **12:28**

basis of liability, **12:22**

causation, **12:26-12:28**

foreseeability, **12:23-12:25**

known criminal activity, foreseeability, **12:24**

locks, failure to provide, **12:27**

public entities, special relationship, **12:30**

similarity of prior incidents, foreseeability, **12:25**

special relationship, **12:29, 12:30**

Sidewalks, **12:36, 12:37, 12:67**

**Snow Removal** (this index)

Special relationships, **12:29, 12:30, 12:191**

Special use, duty to repair sidewalk, **12:37**

Status distinctions, negligence, **12:5, 12:6**

## INDEX

### **PREMISES LIABILITY—Cont'd**

- Statute or regulation, liability based on
  - generally, **12:54-12:101**
  - Asbestos** (this index)
  - compliance requirements, **12:55**
  - Lead Poisoning** (this index)
  - Multiple Dwelling Law** (this index)
  - Snow Removal** (this index)
  - warranty of habitability, **12:69-12:71**
- Strict Liability** (this index)
- Structural defects, inspections by landlord, **12:18, 12:19**
- Suicide, failure to disclose that property was location of, **12:209**
- Termination of liability
  - generally, **12:176 et seq.**
  - conveyance of title, **12:176 et seq.**
  - disclosure of property condition, **12:182 et seq.**
  - duration of liability, **12:176 et seq.**
  - environmental liability, **12:179**
  - properties with four dwellings or less, disclosure law, **12:175**
  - reasonable time, defined, **12:177**
  - transfer of possession, **12:180, 12:181**
  - unreasonable risks, failure to disclose, **12:178**
- Third parties, acts of, **12:20**
- Transfer of possession, **12:180, 12:181**
- Trespassers, foreseeability, **12:6, 12:46**
- Waiver
  - contractual liability, **12:122-12:126**
  - immunity, **12:190, 12:191**
- Warranty of habitability, **12:69-12:71**
- Window Guards** (this index)

### **PRESENTATION OF ACCOUNTS**

- Article 7-A Proceedings** (this index)

### **PRESUMPTIONS AND BURDEN OF PROOF**

- Administrative proceedings, **17:35, 17:42**

### **PRESUMPTIONS AND BURDEN OF PROOF—Cont'd**

- Bankruptcy, burden of proof
  - relief from automatic stay, **20:321-20:324**
  - security deposit setoff, creditors' burden of proving entitlement, **20:289, 20:290**
  - shopping center, landlord's burden of proving complex is, **20:345**
- Bankruptcy** (this index)
- Holdover proceedings
  - agreement understood and accepted once signed, **15:557**
  - retaliatory eviction, **15:495-15:501**
  - service of process by mail, presumption of regularity and receipt, **15:339**
- Lease agreements, **2:35, 2:36, 4:271**
- Lofts, fair market value of improvements, **18:162**
- Nonpayment Proceedings** (this index)
- Petition for administrative review, receipt of District Rent Office order, **17:62**
- Single room occupancy units (SROs), harassment, **18:229**
- Subleases and assignments, reasonableness of withholding of consent, **4:134**
- Term or duration of lease or tenancy, **2:35, 2:36**

### **PREVAILING PARTY**

- Attorneys' Fees and Costs** (this index)

### **PRINCIPAL AND AGENT**

- Agents** (this index)

### **PRIVACY**

- Government subsidized housing, New York State programs, **19:215**

### **PRIVATE CLUBS**

- Fair Housing Act, **5:47**

### **PRIVITY**

- Premises liability, contractual liability, **12:119**

**PRIVITY—Cont'd**

Subleases and assignments, **4:147-4:149**

**PROFITEERING**

Holdover proceeding grounds, **15:59**  
Immoral or illegal use of occupancy, **13:76**  
Lofts, **18:182**  
Rent and other charges, **11:441**

**PROHIBITION**

Article 78 proceedings, **17:111, 17:112**

**PROPERTY TAXES**

Generally, **4:209-4:219**  
Additional rent, treatment as, **4:210, 4:211**  
Certiorari proceedings, **4:218**  
Improvements by landlords, **4:213**  
Improvements by tenants, effect of, **4:212**  
Manufactured home park tenants, **4:219**  
Municipal property, private lease of, **4:215**  
New York City, tax exemptions, **4:217**  
Nonprofit organizations, **4:216**  
Tax-exempt entities, **4:214-4:217**  
Windfall to landlords, **4:211**

**PROPORTIONATE CHARGES**

Rent and other charges, operational and common area maintenance expenses, **4:102**

**PRO SE LITIGANTS**

Attorneys' fees and costs, **4:254**  
Holdover proceedings, stipulations, **15:565, 15:575**  
Nonpayment proceedings, stipulations, **14:441, 14:448, 14:452**

**PROSTITUTION**

Immoral or illegal use of occupancy, **13:77**

**PROTESTS**

Rent strikes, **16:38**

**PROXIMATE CAUSE**

Premises liability, **12:51-12:53**

**PUBLIC ACCOMMODATIONS**

Americans With Disabilities Act, **5:61 et seq.**

**PUBLICATIONS BY DIVISION OF HOUSING AND COMMUNITY RENEWAL**

**Rent Control and Rent Stabilization** (this index)

**PUBLIC HOUSING**

Civil Rights Law (NY), **5:98**

**PUBLIC POLICY**

Enforcement of lease agreements, **4:346**  
Guardians ad litem, **16:459**

**PUNITIVE DAMAGES**

Condition of premises, **10:75**  
Discrimination, **5:212, 5:213, 5:226, 5:227**  
**Illegal Evictions** (this index)  
Quiet enjoyment, **10:51**  
Warranty of habitability, **8:33, 9:112, 14:396**

**PURCHASE OPTIONS**

**Options** (this index)

**QUASI JUDICIAL PROCEEDINGS**

Article 78 proceedings, substantial evidence, **17:141**

**QUIET ENJOYMENT**

Generally, **10:38-10:55**  
Actual eviction, defined, **10:41**  
Administrative regulations, violation of, **10:45**  
Breach, establishment of, **10:40-10:46**  
Compliance with lease by tenant, **10:55**  
Condition of premises, **4:163**  
Consequential damages, **10:50**  
Constructive eviction  
generally, **10:42-10:45**  
administrative regulations, violation of, **10:45**



## INDEX

### **QUIET ENJOYMENT—Cont'd**

- Constructive eviction—Cont'd
  - covenants, violation of restrictive, **10:44**
  - health and safety codes, violation of, **10:45**
- Covenants, violation of restrictive, **10:44**
- Exclusivity of possession, **2:29, 2:30**
- Health and safety codes, violation of, **10:45**
- Injunctive relief, **10:53**
- Private nuisance, action for, **10:52**
- Punitive damages, **10:51**
- Remedies
  - generally, **10:47-10:54**
  - consequential damages, **10:50**
  - injunctive relief, **10:53**
  - landlord, remedies against, **10:48-10:53**
  - private nuisance, action for, **10:52**
  - punitive damages, **10:51**
  - rental obligation, suspension of, **10:49**
  - third parties, remedies against, **10:54**
- Scope of duty, **10:39**
- Third parties, remedies against, **10:54**
- Wrongful act by landlord, **10:46**

### **RACE DISCRIMINATION**

- Generally, **5:127-5:137**
- Homeless shelters, concentration in minority communities, **5:133**
- Mitchell-Lama housing, enforcement of integration, **5:130, 5:131**
- Prima facie case, **5:129**
- Prima facie claim, **5:128**
- Steering, **5:132, 5:204**

### **RADIATOR COVERS**

- Warranty of habitability, **9:66**

### **REAL ESTATE BROKERS**

- Breach of lease, liability for, **4:41**
- Parties to lease agreements, **4:40-4:43**

### **RECEIPTS**

- Nonpayment proceedings, Multiple Dwelling Registration statement, **14:306, 14:307**

### **RECEIPTS—Cont'd**

- Rent and other charges, **4:71, 6:16, 6:17**
- Single room occupancy units (SROs), rent-stabilization, **18:210**

### **RECEIVERS**

- Article 7-A proceedings, **16:58, 16:59**
- Landlord, defined, **2:6**
- Rent control and rent stabilization, **11:36**
- Rent strikes, **16:17**
- Security deposits, liability upon conveyance of property, **7:64**
- Warranty of habitability, **9:30**

### **RECORDATION OF LEASE**

#### **AGREEMENTS**

- Generally, **4:328-4:332**
- Constructive notice of leasehold interest, **4:331, 4:332**
- Effect of recordation, **4:331, 4:332**
- Memoranda of leases, **4:329**
- Modifications, **4:330**
- Tenant in possession as constructive notice, **4:332**

### **RECORDS**

- Administrative proceedings, insufficiency of record for failure to conduct hearing, **17:18**
- Counseling as to alternatives, record-keeping in connection with rent regulated tenancies, **1:138**
- Human Rights Law (NY), **5:79**
- Human Rights Law (NYC), **5:115**
- Lease agreements. **Recordation of Lease Agreements** (this index)
- Notice of tenancy to third parties, constructive notice, **2:65-2:73**

### **RECOURSE**

- Guaranty Clauses** (this index)

### **RECREATIONAL USE IMMUNITY**

- Generally, **12:193-12:202**
- Actual notice of dangerous condition, **12:199**
- Constructive notice of dangerous condition, **12:199**

**RECREATIONAL USE IMMUNITY**  
—Cont'd

Gross negligence, **12:202**  
Inherent risks, **12:200**  
Inspection, no duty, **12:195**  
Notice of dangerous condition,  
**12:199**  
Property suited for immunity, **12:197,**  
**12:198**  
Standard of care, **12:194**  
Status of injured party, **12:201**  
Warning, no duty, **12:196**

**REDEVELOPMENT COMPANIES**

Government subsidized housing,  
New York State programs,  
**19:188-19:191**

**REFUNDS**

Article 7-A proceedings, overcharges  
of rent, **16:130**  
**Security Deposits** (this index)

**REGISTRATION**

**Lofts** (this index)  
Manufactured home parks, service  
and park rules, **2:159**  
**Rent Control and Rent Stabiliza-**  
**tion** (this index)

**REHABILITATION ACT**

Americans With Disabilities Act,  
compared, **5:59**  
Discrimination, **5:58, 5:59**

**REINSTATEMENT**

Counseling as to alternatives, **1:134,**  
**1:135**

**RELATION BACK**

Administrative proceedings, res  
judicata, **17:48**

**RELIGION AND RELIGIOUS**  
**ORGANIZATIONS**

Discrimination. **Religious**  
**Discrimination** (this index)  
Lease agreements, **4:157**  
Nonpayment proceedings, conspicu-  
ous-place service, **14:191**  
Parties to lease agreements, **4:36**

**RELIGION AND RELIGIOUS**  
**ORGANIZATIONS—Cont'd**

Term or duration of lease or tenancy,  
**4:68**

**RELIGIOUS DISCRIMINATION**

Generally, **5:134-5:137**  
Age discrimination, religious exemp-  
tion from fair housing rules,  
**5:168**  
Civil Rights Act of 1866, **5:53**  
Electric locks, orthodox Jewish ten-  
ants, **5:136**  
Fair Housing Act, **5:46**  
Harassment by neighbor, **5:135**  
Human Rights Law (NY), **5:89**  
Human Rights Law (NYC), **5:123**  
Public housing authority, religious  
preference as basis for tenant  
location, **5:137**

**REMEDIES**

Condition of premises, **10:73-10:79**  
**Damages** (this index)  
**Discrimination** (this index)  
**Illegal Evictions** (this index)  
**Injunctive Relief** (this index)  
Low-income housing trust-fund  
program, **19:252**  
Low-income turnkey-housing trust  
fund program, **19:274**  
Maintenance and repairs, **10:85,**  
**10:140, 10:141**  
Military service, **13:162**  
**Quiet Enjoyment** (this index)  
Rent and other charges, **10:115-**  
**10:124**  
Section 8 Housing program, obliga-  
tions during tenancy, **19:66,**  
**19:67**  
Security deposits, civil remedy to  
recover, **7:54**  
**Warranty of Habitability** (this  
index)

**RENEWAL OF LEASES**

Counseling as to alternatives, **1:135**  
Demolition grounds, **15:66**  
Enforcement of lease agreements,  
**4:348, 4:349**

## INDEX

### **RENEWAL OF LEASES—Cont'd**

- Guaranty clauses, **4:234**
- Options, **4:295 et seq.**
- Section 8 Housing program, **19:46, 19:47**
- Security deposits, **7:59**

### **RENEWAL STATUTES**

- Lofts, **18:31, 18:32, 18:80-18:86, 18:104, 18:105**

### **RENT ACT OF 2011**

- Rent control and rent stabilization, **11:32**

### **RENT ACT OF 2015**

- Rent control and rent stabilization, **11:32**

### **RENTAL AGREEMENTS**

- Forms
  - good cause eviction law notice, **4:360**
- Lease Agreements** (this index)

### **RENT AND OTHER CHARGES**

- Generally, **4:22, 4:69-4:75, 6:1-6:24, 10:108-10:124**
- Acceleration of payment
  - generally, **6:8-6:11**
  - default in payment, **6:9-6:11**
  - termination of lease on rent acceleration, **6:11**
- Acceptance of partial rent payment, **6:4**
- Additional occupants, **4:96-4:98**
- Advance payment, **6:6**
- Agreement to pay rent, **6:1-6:17**
- Americans With Disabilities Act
  - compliance burdens and charges generally, **4:106-4:111**
  - enforcement, **4:110**
  - mandatory renovation, **4:107, 4:108**
  - no new barriers to handicapped access, **4:109**
- Ancillary non-residential space, no rent control coverage for, **11:61**
- Apartment & Loft Order, **App. 11-19, App. 11-20**
- Application of payments, **6:3, 6:4**

### **RENT AND OTHER CHARGES—Cont'd**

- Approval of lease by landlord, security deposit pending, **4:81**
- Audit rights of tenant, operational and common area maintenance expenses, **4:103**
- Bankruptcy of tenant, **10:124**
- Base year escalation approach, operational and common area maintenance expenses, **4:101**
- Children, additional occupants, **4:98**
- Commercial leases
  - generally, **4:99-4:105, 4:357**
  - audit rights of tenant, operational and common area maintenance expenses, **4:103**
  - base year escalation approach, operational and common area maintenance expenses, **4:101**
  - cost of living increases, **4:104**
  - escalation clauses, **4:101, 4:357**
  - operational and common area maintenance expenses, **4:100-4:103**
  - proportionate charges, operational and common area maintenance expenses, **4:102**
  - taxes, **4:105**
- Common area maintenance expenses, **4:100-4:103**
- Cost of living increases, **4:104**
- Demolition Stipend Chart, **App. 11-21**
- DHCR Good Cause Eviction Law Notice, **App. 11-28**
- DHCR Operational Bulletin 2017-1, **App. 11-25**
- DHCR Operational Bulletin 2018-1, **App. 11-26**
- DHCR Operation Bulletin 2014-1, **App. 11-22**
- DHCR Operation Bulletin 2016-1, **App. 11-23**
- Due date, **4:72, 10:114**
- Duration of obligation to pay, **10:112**
- Electronic funds transfers, **6:14**
- Escalation clauses, **4:101, 4:357**

## RENT AND OTHER CHARGES

### —Cont'd

Exclusive right to conduct business, percentage rents, **4:74**  
 Forms of consideration, **4:75**  
 Gouging illegal, **2:44**  
**Government Subsidized housing, New York State Programs** (this index)  
 Holdover proceedings. Termination of tenancy and commencement of holdover proceeding, below  
 Holidays, time for payment, **6:7**  
 How, when, where, and to whom paid, **4:70, 4:71**  
**Increases in Rent** (this index)  
 Individual Apartment Improvements (Replaces Operational Bulletin 2016-1), **App. 11-24**  
**Late Charges** (this index)  
 Loan programs, New York City, **19:291**  
 Low-income housing credits, **19:180**  
 Low-income housing trust-fund program, **19:257-19:259**  
 Low-income turnkey-housing trust fund program, **19:270, 19:271**  
 Medium of rent, **6:12-6:14**  
 Military service, **13:161**  
 Mode of rent, **6:12-6:14**  
 Modification as to time, place, or method of payment, **6:15**  
 Nature of duty, **10:110**  
**Nonpayment Proceedings** (this index)  
 Operational Bulletin 2021-1, **App. 11-27**  
 Operational maintenance expenses, **4:100-4:103**  
**Overcharges of Rent** (this index)  
**Parking and Parking Charges** (this index)  
 Payment of rent, **6:1, 6:2**  
 Penalty for failure to provide receipt for payment, **6:17**  
 Percentage rents, **4:73, 4:74, 6:13**  
 Place of payment, **6:2**  
 Prepaid rent held in trust, **7:35**  
 Profiteering, **11:441**

## RENT AND OTHER CHARGES

### —Cont'd

Proportionate charges, operational and common area maintenance expenses, **4:102**  
 Receipts, **4:71, 6:16, 6:17**  
 Relief from duty, **10:111-10:113**  
 Remedies for breach, **10:115-10:124**  
**Rent Control and Rent Stabilization** (this index)  
 Rent Guidelines Board Apartment Orders (1969 to 2026), **App. 11-3**  
 Rent Guidelines Board Apartment Orders (1971 to 2026), **App. 18-2**  
**Rent Strikes** (this index)  
 Repudiation of lease, acceptance by landlord, **10:113**  
 Rural rental assistance program, **19:286**  
 Saturday, time for payment, **6:7**  
 Scope of duty, **10:110**  
**Section 8 Housing Program** (this index)  
**Security Deposits** (this index)  
 Strikes. **Rent Strikes** (this index)  
 Sunday, time for payment, **6:7**  
 Taxes, **4:105**  
 Termination of lease on rent acceleration, **6:11**  
 Termination of tenancy and commencement of holdover proceeding  
     generally, **10:117-10:122**  
     conditional limitation for nonpayment of rent, **10:120-10:122**  
     New York City, post-judgment cure, **10:119**  
 Time for payment, **6:5-6:7**  
 Use and occupancy, distinguished, **10:109**  
**Utility Charges** (this index)  
 Waiver as to time, place, or method of payment, **6:15**  
 Yellowstone proceedings. Termination of tenancy and commencement of holdover proceeding, above

## INDEX

### RENT CONTROL AND RENT STABILIZATION

Generally, **2:119-2:130, 6:18-6:24, 11:1 et seq.**  
Ability to pay rent, **11:486, 11:487**  
Access, refusal to provide, **11:398, 11:446**  
Accommodations subject to rent control, **2:120**  
Additional rent adjustments, **6:18-6:20, 6:22**  
Adjustments to regulated rents generally, **11:183-11:315**  
    annual adjustment to MCRs in New York City, **11:184**  
    electrical conversion, rent reduction based on, **11:253**  
    fair-market rent-appeal of initial rent-stabilized rent, below  
    fuel cost adjustments for New York City rent-controlled units, below  
    hardship to landlord, below  
    increase of rent, 421-a, **11:314, 11:315**  
    increase of rent, individual apartment improvements, rent control, below  
    increase of rent, individual apartment improvements, rent stabilization, below  
    increase of rent, major capital improvements, below  
    increase of rent, vacancy or renewal or rent-stabilized lease, below  
    increase of rent for building-wide service improvements, **11:299**  
    labor cost rent adjustment for New York City rent-controlled units, **11:223**  
    luxury deregulation, surcharges for submetered electricity or other utility service, **11:255**  
    submetered electricity or other utility service, surcharges for, **11:252-11:255**  
    surcharges for submetered electricity or other utility service, **11:252-11:255**

### RENT CONTROL AND RENT STABILIZATION—Cont'd

Advance non-primary residence agreement void, **11:103**  
Advisory Opinions, **11:500**  
Age discrimination, **5:165, 5:166**  
Air conditioners, **11:248-11:251**  
Ancillary services, **11:384**  
Appeals, **11:130, 11:221**  
Asbestos removal, **11:273**  
Attorney General has standing to sue for practices which violate rent-regulation laws, **11:22, 11:23**  
Attorneys' fees and costs, **4:261, 11:200, 11:368-11:370**  
Aunts, succession rights of family members, **11:421**  
Biannual maximum rent adjustments in New York City generally, **11:149-11:160**  
    calculation of MBR and MCR, **11:154**  
    challenging MBR order, **11:159**  
    essential services, maximum rents include, **11:151**  
    filing fees for MBRs, **11:160**  
    history, **11:150-11:160**  
    MBR, defined, **11:152**  
    MBR Order of Eligibility, **11:158**  
    MCR, defined, **11:153**  
    operation and maintenance and essential services certification, **11:157**  
    procedure, **11:155-11:160**  
    violation certification, **11:156**  
Calculation of MBR and MCR, **11:154**  
Certificate of eviction, **11:443**  
Certification of income, deregulation, **11:120-11:123**  
Charitable institutions, units owned or operated by, **11:96-11:98**  
Class A multiple dwelling, defined, **11:75-11:77**  
Class B multiple dwelling, defined, **11:78**  
Comparative hardship formula, **11:301**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Concurrent jurisdiction  
generally, **11:19-11:23**  
Attorney General has standing to  
sue for practices which  
violate rent-regulation laws,  
**11:22, 11:23**  
primary jurisdiction doctrine,  
Attorney General has standing  
to sue for practices which  
violate rent-regulation laws,  
**11:23**  
rent-overcharge issues, **11:20,**  
**11:21**  
succession rights of family  
members, **11:411**  
Conditional rentals, **11:320**  
Consent of tenant, **11:226, 11:227,**  
**11:232-11:234**  
Constitutionality, **11:5**  
Contractual or statutory nature,  
**2:123, 2:130**  
Cooperatives and condominiums  
generally, **11:106**  
deregulation, **11:139, 11:140**  
reserve funds, payment for  
improvements with, **11:263**  
succession rights of family  
members, **11:412-11:414**  
Corporations, recovery of unit for  
owner occupancy, **11:461**  
Coverage, rent control  
generally, **11:51-11:70**  
deregulation, below  
exemptions, **11:63-11:70**  
extent of rent regulation statewide,  
**11:51-11:55**  
furnished rooms, **11:64**  
government operated and  
subsidized housing, **11:65**  
hotel accommodations, **11:66**  
housing accommodations, defined,  
**11:59**  
ignorance exception, **11:57**  
motor courts and tourist homes,  
**11:67**  
municipalities, **11:62, 11:68**  
not-for-profit institutions, **11:69**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Coverage, rent control—Cont'd  
reregulation of multiple dwellings  
purchased from New York  
City, **11:142**  
three or more units, buildings with,  
**11:58-11:60**  
Coverage, rent stabilization  
generally, **11:51-11:55, 11:71-**  
**11:105**  
advance non-primary residence  
agreement void, **11:103**  
charitable or educational institu-  
tions, units owned or operated  
by, **11:96-11:98**  
Class A multiple dwelling, defined,  
**11:75-11:77**  
Class B multiple dwelling, defined,  
**11:78**  
combining apartments, less than  
six units, **11:90**  
cooperative and condominium  
units, **11:106**  
deregulation, below  
employment, occupancy as  
incident of, **11:104**  
exemptions, **11:86 et seq.**  
extent of rent regulation statewide,  
**11:51-11:55**  
furnished rooms, **11:101**  
garden apartment complexes,  
**11:77**  
government operated and  
subsidized housing, **11:88**  
horizontal multiple dwellings,  
**11:91**  
hotels, **11:79, 11:99**  
housing accommodations, defined,  
**11:72-11:84**  
increase in number of units,  
substantial rehabilitation,  
**11:94**  
motor courts, tourist homes,  
defined, **11:100**  
new construction, tax benefit  
programs, **11:81**  
new construction or substantial  
rehabilitation after December  
31, 1973, **11:92-11:95**

## INDEX

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Coverage, rent stabilization—Cont'd
  - New York City, units outside,  
**11:73**
  - New York City, units within,  
**11:74-11:79**
  - non-primary residence, **11:102,**  
**11:103**
  - nonresidential use, **11:105**
  - redevelopment, tax benefit  
programs, **11:82**
  - rehabilitation and improvement  
program, tax exemption and  
abatement programs, **11:83**
  - rent-controlled units, **11:87**
  - reregulation of multiple dwellings  
purchased from New York  
City, **11:142**
  - rooming house, **11:76**
  - six units, less than, **11:89-11:91**
  - state assisted units, tax benefit  
programs, **11:84**
  - tax benefit programs, **11:80-11:84**
  - unaffiliated tenants, units owned or  
operated by charitable or  
educational institutions,  
**11:97, 11:98**
- “Deemed denied,” judicial review of  
petitions for administrative  
review, **11:14**
- Deemed lease when renewal com-  
plaint denied, **11:338**
- Defective equipment, replacement of,  
**11:385**
- Delayed renewal, **11:331**
- Delivery of fully executed renewal  
lease copy to tenant, **11:333**
- De minimis conditions, **11:399,**  
**11:405**
- Demolition of unit
  - generally, **11:481 et seq.**
  - application procedure, **11:490**
  - costs, increase of rent, **11:239**
  - good faith, documentation of,  
**11:489**
  - holdover proceeding grounds,  
**15:47, 15:62**
  - relocation/stipends, **11:491, 11:492**

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Demolition of unit—Cont'd
  - rent control, **11:482, 11:483**
  - rent stabilization, **11:488-11:492**
  - three or fewer units, waiver of  
prerequisites in New York  
City, **11:483**
- Deregulation
  - generally, **11:107-11:140**
  - anomalies in household income,  
**11:118**
  - appeals, **11:130**
  - certification of income, **11:120-**  
**11:123**
  - cooperative and condominium  
units, **11:139, 11:140**
  - effective date of deregulation  
determination, **11:131**
  - exclusions from household  
income, **11:117, 11:118**
  - exemptions from luxury deregula-  
tion, **11:135-11:139**
  - failure of tenant to respond to  
deregulation notice, **11:132**
  - first refusal, right of, **11:133**
  - grounds for petition for luxury  
deregulation, **11:125**
  - Loft Law units exempt from luxury  
destabilization, **11:138**
  - luxury deregulation of occupied  
housing accommodations,  
**11:113-11:139**
  - luxury deregulation of vacant  
housing accommodations,  
**11:109-11:111**
  - notice to tenant and opportunity to  
answer, **11:126**
  - petition for luxury deregulation,  
**11:124**
  - procedure, **11:119-11:132**
  - required information, certification  
of income, **11:122**
  - retroactive rent adjustment on rent  
threshold, **11:134**
  - reversion of deregulated property  
to rent stabilization, **11:141**
  - service, certification of income,  
**11:121, 11:123**



**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Deregulation—Cont'd  
     tax benefit programs, units under,  
         **11:136, 11:137**  
     vacancy decontrol, **11:108**  
     verification of income, **11:127**  
 Disabled residents, recovery of unit  
     for owner occupancy, **11:469-  
     11:475**  
 Dishwashers, **11:246**  
 Division of Housing and Community  
     Renewal. See New York State  
     Homes and Community  
     Renewal, below  
 Domestic partners, **11:328-11:329**  
 Dryers, **11:246**  
 Educational institutions, units owned  
     or operated by, **11:96-11:98**  
 Elderly residents, recovery of unit for  
     owner occupancy, **11:469-  
     11:475**  
 Emergency Housing Rent Control  
     Law, **11:25, 11:33**  
 Emergency Tenant Protection Act  
     generally, **11:28, 11:36**  
     elderly, disabled, and long-term  
         residents, recovery of unit for  
         owner occupancy, **11:473**  
     Fact Sheets, **11:506**  
     not-for-profit institutions, recovery  
         of unit by, **11:480**  
     regulations, **11:41**  
 Employer and employee, **3:79-3:81**  
 Employment, occupancy as incident  
     of, **11:104**  
 Equity return, cap on rate of, **11:305**  
 Essential or required services  
     generally, **11:381-11:405**  
     access, refusal by tenant to  
         provide, **11:398**  
     ancillary services, **11:384**  
     calculation of rent reduction,  
         **11:391-11:395**  
     complaint should request rent  
         reduction, **11:389, 11:390**  
     defective equipment, replacement  
         of, **11:385**  
     definitions, **11:382-11:384**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Essential or required services  
     —Cont'd  
     de minimis conditions, **11:399,  
     11:405**  
     effective date of rent reduction,  
         **11:394**  
     heat and hot water complaints,  
         **11:403-11:405**  
     increase in rent, none until rent  
         restored, **11:396, 11:397**  
     inspection invalidated by delay,  
         **11:401**  
     noise complaints between  
         neighbors, **11:400**  
     offset for court ordered rent abate-  
         ment, **11:395**  
     procedure, **11:386, 11:387**  
     rent reduction, **11:388-11:402**  
     restoration of reduced rents,  
         **11:402**  
     services, maximum rents include,  
         **11:151**  
     third person certification of condi-  
         tion creates rebuttable  
         presumption, **11:387**  
 Estate of tenant, nonprimary resi-  
     dence cases, **11:454**  
 Evasion of rent regulations, **11:317**  
 Eviction  
     generally, **11:442-11:486**  
     access, refusal to provide, **11:446**  
     certificate of eviction, **11:443**  
     demolition of unit, above  
     estate of tenant, nonprimary resi-  
         dence cases, **11:454**  
     hospital tenants, nonprimary resi-  
         dence cases, **11:453**  
     needs of landlord, **11:456 et seq.**  
     nonprimary residence, **11:450-  
     11:454**  
     not-for-profit institutions, recovery  
         of unit by, below  
     owner occupancy, recovery of unit  
         for, below  
     preliminary notices, **11:444**  
     proof in nonprimary residence  
         cases, **11:452**

## INDEX

### RENT CONTROL AND RENT STABILIZATION—Cont'd

Eviction—Cont'd  
renewal of lease, failure or refusal  
of tenant, **11:447-11:449**  
subdivision, alteration, or remodel-  
ing of underutilized rent con-  
trolled unit, **11:498, 11:499**  
totality of circumstances,  
nonprimary residence cases,  
**11:452**  
withdrawal of unit from market,  
below  
wrongful acts of tenant, **11:445-  
11:455**  
Expedited MCI, **11:286**  
Expedited proceedings, Division of  
Housing and Community  
Renewal, **11:11**  
Fact Sheets, **11:505-11:507**  
Failure to renew rent-stabilized lease  
generally, **11:321 et seq.**  
complaint to Division of Housing  
and Community Renewal,  
**11:336-11:340**  
deemed lease when renewal com-  
plaint denied, **11:338**  
delayed renewal, **11:331**  
delivery of fully executed renewal  
lease copy to tenant, **11:333**  
domestic partners, **11:328-11:329**  
eviction delayed while renewal  
complaint pending, **11:339**  
form of offer, **11:332**  
grounds for refusal to renew,  
**11:340**  
illusory tenancy, **11:341**  
lawful rent increase notice clause,  
**11:326**  
luxury deregulation, effect of  
application for, **11:342**  
luxury deregulation rider, **11:327**  
one or two year term at tenant's  
option, **11:323**  
renewal requirements, **11:322-  
11:335**  
rent guidelines unknown, **11:334,  
11:335**

### RENT CONTROL AND RENT STABILIZATION—Cont'd

Failure to renew rent-stabilized lease  
—Cont'd  
rent stabilization rider, failure to  
provide, **11:337**  
same terms and conditions upon  
renewal, **11:324-11:328**  
spouse, addition of, **11:328**  
tenant's failure to renew lease,  
**11:343**  
window period for renewal lease  
offer and acceptance, **11:330,  
11:331**  
Fair-market rent-appeal of initial  
rent-stabilized rent  
generally, **11:185-11:201**  
attorneys' fees, **11:200**  
conversion of rent overcharge  
complaint to fair-market rent-  
appeal, **11:201**  
formula for determining fair-mar-  
ket rent, **11:190-11:193**  
freeze of rent for failure to service  
RR-1(i), **11:199**  
hearings, **11:194**  
MBR/MCR adjusted by special  
guidelines, **11:191**  
penalties for rent overcharges,  
**11:197-11:200**  
proof of service of RR-1(i) form,  
**11:187, 11:188**  
qualifying comparable rents,  
**11:192**  
refund of excess rent, **11:195,  
11:196**  
rent-overcharge remedies do not  
apply to FMRA, **11:197**  
service of RR-1(i) form, **11:187,  
11:188, 11:199**  
some units not subject to fair-mar-  
ket rent-appeal, **11:186**  
treble damages, **11:198**  
unique features, **11:193**  
untimely appeal, dismissal, **11:190**  
Fees  
MBRs, filing fees, **11:160**  
registration of rents and services,  
**11:148, 11:178**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

First refusal, right of, **11:133**  
 Fraud, rent overcharge resulting in,  
     **11:352**  
 Freedom of Information Law,  
     registered rents and services not  
     subject to, **11:176**  
 Freezing of rent, **11:199, 11:371**  
 Fuel cost adjustments for New York  
     City rent-controlled units  
     generally, **11:215-11:222**  
     appeal by tenant, **11:222**  
     base rent, not added to, **11:216**  
     computation of adjustment, **11:220**  
     cumulative nature of adjustments,  
     **11:219**  
     maintaining services as prerequi-  
     site, **11:217**  
     procedure, **11:218**  
     rent-reductions, effect of, **11:222**  
 Furnished rooms, **11:64, 11:101**  
 Furniture surcharge, subleases and  
     assignments, **11:437**  
 Garden apartment complexes, **11:77**  
 Good faith  
     demolition of unit, **11:489, 11:490**  
     recovery of unit for owner  
     occupancy, **11:466**  
 Gouging illegal, **2:44**  
 Governing statutes and regulations  
     generally, **11:24-11:50**  
     contractual or statutory nature of  
     rent-regulated tenancies,  
     **11:50**  
     Emergency Housing Rent Control  
     Law, **11:25, 11:33**  
     Emergency Tenant Protection Act  
     of 1974, **11:28, 11:36**  
     Emergency Tenant Protection  
     Regulations, **11:41**  
     enabling legislation, **11:24-11:32**  
     Local Emergency Housing Rent  
     Control Act, **11:26**  
     New York City Administrative  
     Code § “J-51,” **11:48**  
     New York City Loft Law, **11:49**  
     New York City Rent and Eviction  
     Regulations, **11:40**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Governing statutes and regulations  
     —Cont'd  
     New York City Rent and Rehabili-  
     tation Law, **11:34**  
     New York City Rent Stabilization  
     Law, **11:37**  
     N.Y. Real Prop. Tax Law § 421-a,  
     § 421-g and § 485-x, **11:47**  
     Omnibus Housing Act of 1983,  
     **11:29**  
     Rent Act of 2011, **11:32**  
     Rent Act of 2015, **11:32**  
     Rent Regulation Reform Act of  
     1993, **11:30**  
     Rent Regulation Reform Act of  
     1997, **11:31**  
     Rent Stabilization Code, **11:42,**  
     **11:43**  
     State Rent and Eviction Regula-  
     tions, **11:39**  
     Urstadt Law, **11:46**  
     Vacancy Decontrol law, **11:27**  
 Government grants, payment for  
     improvements with, **11:264**  
 Government operated and subsidized  
     housing, **11:65, 11:88**  
 Government subsidized housing,  
     New York State programs,  
     **19:235**  
 Hallway windows, **11:280**  
 Harassment, **11:406-11:408**  
 Hardship to landlord  
     generally, **11:300-11:313**  
     alternative hardship formula,  
     **11:302**  
     comparative hardship formula,  
     **11:301**  
     equity return, cap on rate of,  
     **11:305**  
     five percent equity in property,  
     **11:311**  
     hazardous violations, correction of,  
     **11:312**  
     limitations on hardship rent  
     increases, **11:303-11:306**  
     maintenance of services, **11:308**  
     option to cancel lease, **11:313**

## INDEX

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Hardship to landlord—Cont'd
  - ownership by same or related entity for 36 months, **11:310**
  - six percent annual cap, **11:304**
  - tax certiorari proceedings or objections, resolution of, **11:309**
  - thirty six month limitation, **11:306**
- Hazardous violations, **11:265, 11:312**
- Hearings, fair-market rent-appeal of initial rent-stabilized rent, **11:194**
- Heat and hot water complaints, **11:403-11:405**
- Horizontal multiple dwellings, **11:91**
- Hospital tenants, nonprimary residence cases, **11:453**
- Hotels, **3:65, 11:66, 11:79, 11:99**
- Housing accommodations, defined, **11:59, 11:72-11:84**
- Housing Stability and Tenant Protection Act of 2019, **11:32**
- HP proceedings, **16:234**
- Ignorance exception, **11:57**
- Illusory tenancy, **11:341**
- Immediate and compelling necessity recovery of unit for owner occupancy, **11:465**
- Immoral or illegal use of occupancy, **13:85**
- Increase of rent
  - building-wide service improvements, **11:299**
  - 421-a, **11:314, 11:315**
  - individual apartment improvements, rent control. Increase of rent, individual apartment improvements, rent control, below
  - individual apartment improvements, rent stabilization. Increase of rent, individual apartment improvements, rent stabilization, below
  - major capital improvements. Increase of rent, major capital improvements, below

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Increase of rent—Cont'd
  - vacancy or renewal of rent-stabilized lease. Increase of rent, vacancy or renewal or rent-stabilized lease, below
- Increase of rent, individual apartment improvements, rent control generally, **11:224-11:230**
- air conditioners, **11:248-11:251**
- consent of tenant and prior Division of Housing and Community Renewal notice, **11:226, 11:227**
- painting, **11:230**
- rate of increase, **11:229**
- washing machines, dryers, and dishwashers, **11:246**
- window guards, **11:247**
- Increase of rent, individual apartment improvements, rent stabilization generally, **11:231-11:245**
- air conditioners, **11:248-11:251**
- annual rent registration, **11:245**
- confirmation of costs and payments, **11:241-11:244**
- consent of tenant, **11:232-11:234**
- demolition costs, **11:239**
- insurance proceeds, payment for improvements with, **11:240**
- maintenance and repairs, **11:238**
- order date vs. delivery date of appliance, **11:234**
- prior approval by Division of Housing and Community Renewal, **11:235**
- qualifying improvements, **11:237-11:240**
- rate of increase, **11:236**
- signature on lease does not constitute consent of tenant, **11:233**
- superintendent, rent increase for, **11:243**
- washing machines, dryers, and dishwashers, **11:246**
- window guards, **11:247**
- Increase of rent, major capital improvements generally, **11:256-11:298**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Increase of rent, major capital improvements—Cont'd  
 additional rent increase for related work, **11:283**  
 age of prior windows, **11:281**  
 asbestos removal, **11:273**  
 calculation of increase, **11:290-11:297**  
 confirmation of costs/payments, **11:287, 11:288**  
 cooperative/condominium reserve funds, payment for improvements with, **11:263**  
 defect in windows, **11:282**  
 effective date of increase, **11:296**  
 eligibility requirements, **11:258-11:269**  
 expedited MCI, **11:286**  
 failure to register or late registration, effect of, **11:269**  
 fifteen percent cap on annual rent increase, **11:292**  
 government grants, payment for improvements with, **11:264**  
 hallway or lot line windows, **11:280**  
 hazardous violations, correction of, **11:265**  
 mailbox relocation, New York City, **11:274**  
 major capital improvement, defined, **11:257**  
 notice to new tenants in vacancy lease, **11:260**  
 permanence of increase, **11:294**  
 prior opinion, **11:285**  
 procedure, **11:284-11:289**  
 renewal-lease clause permitting increase, **11:261**  
 retroactive MCI, payment by vacating tenant, **11:293**  
 roofing, **11:275, 11:276**  
 room count, **11:295**  
 Senior Citizens Rent Increase Exemption Program, effect of, **11:298**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Increase of rent, major capital improvements—Cont'd  
 services, effect of reduction in, **11:266-11:268**  
 source of funds used to pay for improvements, **11:262-11:264**  
 storm windows, replacement windows after prior increase for, **11:279**  
 supplemental documentation, confirmation of costs/payments, **11:288**  
 third party certification of MCI, **11:289**  
 time to file application, **11:259**  
 toilets, low flush, **11:277**  
 two percent cap on annual rent increase, New York City rent-stabilized tenants, **11:291**  
 useful life schedule for major capital improvements, **11:271, 11:272**  
 waterproofing, roofing, **11:276**  
 windows, **11:278-11:282**  
 work which constitutes major capital improvements, **11:270-11:282**  
 Increase of rent, vacancy or renewal or rent-stabilized lease generally, **11:202-11:214**  
 additional rent increases set by local RGBs, **11:204**  
 early vacatur, effect on next tenant's rent, **11:210**  
 fuel cost adjustment, **11:208**  
 low rent adjustment, **11:207**  
 notice to rent-stabilized tenants of prior legal regulated rents, **11:214**  
 preferential rent, **11:211-11:213**  
 renewal increase, **11:206, 11:207**  
 summary of recent New York City rent-guideline increases, **11:209**  
 vacancy "bonus," **11:203**  
 vacancy increase, **11:205**

## INDEX

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Inspection invalidated by delay,  
**11:401**
- Insurance proceeds, payment for  
improvements with, **11:240**
- Interest on overcharge refund, over-  
charge of rent, **11:367**
- Interest on refund, overcharge of rent,  
**11:366**
- J-51 program, **19:298**
- Joinder of tenant's estate, succession  
rights of family members,  
**11:427**
- Jurisdiction and venue
  - generally, **11:6-11:23**
  - concurrent jurisdiction, above  
courts, **11:15-11:18**
  - Division of Housing and Com-  
munity Renewal, above
  - primary residence, **11:16, 11:17**
  - rent-controlled units outside New  
York City, primary residence,  
**11:17**
  - rent overcharge of rent-controlled  
units, **11:18**
- Labor cost rent adjustment for New  
York City rent-controlled units,  
**11:223**
- Landlord, defined, **2:16-2:18**
- Late charges, **4:78**
- Lease agreements, **4:27, 4:188, 4:222**
- Lease must reflect legal rent, **6:23**
- Legal regulated rent, **6:21**
- Local Emergency Housing Rent  
Control Act, **11:26**
- Lofts** (this index)
- Long-term residents, recovery of unit  
for owner occupancy, **11:469-  
11:475**
- Lot line windows, **11:280**
- Low-income housing trust-fund  
program, **19:260**
- Luxury deregulation
  - amended returns may not defeat it,  
**11:128**
  - appeal, **11:130**
  - application, effect of, **11:342**

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Luxury deregulation—Cont'd
  - DHCR notice to tenant of petition  
and opportunity to answer,  
**11:126**
  - effective date of determination,  
**11:131**
  - exclusions from household  
income, **11:117-11:118**
  - exemptions, **11:135 et seq.**
  - failure to respond to notice, effect  
of, **11:132**
  - income certification, **11:120-  
11:123**
  - income verification, **11:127**
  - loft law units exemption, **11:138**
  - multiple apartment occupied by  
tenant, **11:116-11:139**
  - nonpurchasing co-op tenant,  
**11:139**
  - notice to new tenants of deregula-  
tion, **11:112**
  - occupied housing accommoda-  
tions, **11:113-11:139**
  - petition, **11:124-11:126**
  - procedure, **11:119-11:133**
  - registration of rents and services,  
**11:182**
  - retroactive rent-adjustment on rent  
threshold, **11:134**
  - rider, **11:327**
  - right of first refusal, **11:133**
  - surcharges for submetered electric-  
ity or other utility service,  
**11:255**
  - time limitations, **11:129**
  - under rent control, **11:114**
  - under rent stabilization, **11:115-  
11:116**
  - units unde tax benefit programs,  
**11:136-11:137**
  - vacant housing accommodations,  
**11:109-11:112**
- Mailbox relocation, New York City,  
**11:274**
- Maintenance and repairs, increase of  
rent, **11:238**
- Maximum rent system, **6:18, 6:19**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

MBR, defined, **11:152**  
 MBR Order of Eligibility, **11:158**  
 MCR, defined, **11:153**  
 Motor courts, **11:67, 11:100**  
 Municipalities, **11:62, 11:68**  
 Negligent rent overcharges, treble damages, **11:360, 11:361**  
 Nephews, succession rights of family members, **11:421**  
 New construction, **11:81, 11:92-11:95**  
 New landlord must obtain rent history, **6:24**  
 New York City  
   accommodations outside NYC, **2:125**  
   accommodations within NYC, **2:126**  
   Administrative Code § “J-51,” **11:48**  
   Fact Sheets, **11:506**  
   local law, harassment under, **11:408**  
   Loft Law, **11:49**  
   Rent and Eviction Regulations, **11:40**  
   Rent and Rehabilitation Law, **11:34**  
   Rent Stabilization Law, **11:37**  
 New York State Homes and Community Renewal  
   generally, **11:7-11:14**  
   administrative determinations, **11:8-11:11**  
     “deemed denied,” judicial review of petitions for administrative review, **11:14**  
     expedited proceedings, **11:11**  
     judicial review, **11:12-11:14**  
     ninety days, decisions on petitions for administrative review within, **11:10**  
     reasonableness, upholding of rulings on judicial review, **11:13**  
 Nieces, succession rights of family members, **11:421**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Noise complaints between neighbors, **11:400**  
 Nonprimary residence, **11:102, 11:103, 11:450-11:454**  
 Not-for-profit institutions  
   generally, **11:69, 11:476-11:480**  
   Emergency Tenant Protection Act, **11:480**  
     rent control, **11:477**  
     rent stabilization, **11:478-11:480**  
     restrictions on recovery, **11:479**  
     subleases and assignments, **11:440**  
 Notice of tenancy to third parties, **2:73, 2:87**  
 Notice to tenant and opportunity to answer, deregulation, **11:126**  
 Nuisance, procedure for termination, **13:101, 13:104**  
 N.Y. Real Prop. Tax Law § 421-a and § 421-g, **11:47**  
 Objection by tenant to initial registration, **11:177**  
 Occupancy of premises, **10:102**  
 Offset for court ordered rent abatement, **11:395**  
 Offset method of recovery, overcharge of rent, **11:373**  
 Omnibus Housing Act of 1983, **11:29**  
 Operational Bulletins, **11:501**  
 Opinion letters, **11:503**  
 Option to cancel lease, hardship to landlord, **11:313**  
 Overcharge of rent  
   generally, **11:344-11:380**  
   attorneys’ fees and costs, **11:368-11:370**  
   default history, use of, **11:356**  
   failure to register rent, treble damages, **11:365**  
   fair-market rent-appeals, compared, **11:345**  
   four year statute of limitations under rent stabilization, **11:351 et seq.**  
   freeze of rent for failure to register rent, **11:371**



## INDEX

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Overcharge of rent—Cont'd
  - interest on overcharge refund, **11:367**
  - interest on refund, **11:366**
  - judgment method of recovery, **11:374**
  - judicial sale of building, **11:378-11:380**
  - negligent rent overcharges, treble damages, **11:360, 11:361**
  - offset method of recovery, **11:373**
  - ownership of building, change in, **11:377**
  - penalties, **11:357-11:371**
  - procedure, **11:346-11:348**
  - receiver, judicial sale of building, **11:36**
  - records of rent history, production of, **11:355, 11:356**
  - recovery of rent overcharge, **11:372-11:380**
  - reduction of overcharge award, **11:375**
  - refund offered in response to complaint, treble damages, **11:364**
  - remedies for rent overcharge, **11:357**
  - six year limit, treble damages, **11:362**
  - six year statute of limitations under rent control, **11:350**
  - statute of limitations, **11:349 et seq.**
  - technical errors, treble damages, **11:363**
  - treble damages applied to willful overcharge, **11:358-11:365**
  - vacatur by tenant with no forwarding address, disposition of award, **11:376**
  - willful overcharges, treble damages, **11:358-11:365**
- Owner occupancy, recovery of unit for
  - generally, **11:457 et seq.**
  - certificate of eviction, **11:458**

### RENT CONTROL AND RENT STABILIZATION—Cont'd

- Owner occupancy, recovery of unit for—Cont'd
  - elderly, disabled, and long-term residents, **11:469-11:475**
- Emergency Tenant Protection Act, elderly, disabled, and long-term residents, **11:473**
- immediate and compelling necessity, **11:465, 11:466**
- immediate and compelling necessity for recovery, **11:467, 11:468**
- immediate family, defined, **11:463**
- individuals only, recovery by, **11:460, 11:461**
- number of owners or units, limits on, **11:462**
- partnerships and corporate entities, **11:461**
- payment of rent by immediate family member, effect of, **11:464**
- penalties for failure to take occupancy, **11:466**
- Rent Stabilization Law, elderly, disabled, and long-term residents, **11:474, 11:475**
- self or immediate family member, recovery for, **11:459-11:464**
- successor tenant of elderly, disabled, and long-term residents, **11:472**
- Painting, **11:230**
- Parking charges, **4:95**
- Partnerships, recovery of unit for owner occupancy, **11:461**
- Penalties
  - harassment, **11:407**
  - overcharge of rent, **11:197-11:200, 11:357-11:371**
  - owner occupancy, recovery of unit for, **11:466**
  - registration statements, failure to file, **11:179-11:181**
- Permanence of increase of rent, **11:294**
- Policy Statements, **11:502**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Possession of property, failure of tenant to take possession, **8:12, 8:13**

Previously unregistered units, **6:19**

Primary jurisdiction doctrine, Attorney General has standing to sue for practices which violate rent-regulation laws, **11:23**

Primary residence requirement, succession rights of family members, **11:419**

Prohibitions  
generally, **11:316 et seq.**  
broker's fee when broker is landlord's agent or employee, **11:319**  
conditional rentals, **11:320**  
essential or required services, reduction of, above  
evasion of rent regulations, **11:317**  
failure to renew rent-stabilized lease, above  
harassment, **11:406-11:408**  
overcharge of rent, above  
penalties for harassment, **11:407**  
security deposit restrictions, **11:409**  
waiver of benefit void, **11:318**

Publications by Division of Housing and Community Renewal  
generally, **11:500-11:508**  
Advisory Opinions, **11:500**  
availability, **11:500, 11:507**  
Emergency Tenant Protection Act Fact Sheets, **11:506**  
Fact Sheets, **11:505-11:507**  
forms, availability of, **11:508**  
Operational Bulletins, **11:501**  
Opinion letters, **11:503**  
Policy Statements, **11:502**

Purpose, **11:4**

Receiver, judicial sale of building, **11:36**

Redevelopment, tax benefit programs, **11:82**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Refund of excess rent, **11:195, 11:196**

Registration of rents and services, rent control  
generally, **11:143-11:164**  
additional 1984 registration requirement within New York City, **11:145, 11:146**  
adjustment of maximum rents outside New York City, **11:161**  
biannual maximum rent adjustments in New York City, above  
failure to register, **11:147**  
fees for registration, **11:148**  
initial registration, **11:144-11:148**  
rent guideline increases under rent stabilization, **11:162**  
report of vacancy decontrol, **11:164**  
request for MCR calculation, **11:163**

Registration of rents and services, rent stabilization  
generally, **11:165-11:182**  
annual registration-update, **11:170, 11:171**  
effective April 1, 1984, **11:166**  
fees for registration, **11:178**  
Freedom of Information Law, registered rents and services not subject to, **11:176**  
initial registration, **11:167-11:169**  
late filing, prospective elimination of penalties by, **11:180**  
legal rent, initial registration, **11:168**  
luxury decontrol, **11:182**  
MCI applications, effect of failure to register or late registration on, **11:181**  
objection by tenant to initial registration, **11:177**  
penalties for failure to file registration statements, **11:179-11:181**

## INDEX

### **RENT CONTROL AND RENT STABILIZATION—Cont'd**

Registration of rents and services,  
rent stabilization—Cont'd  
proof of filing registration forms,  
**11:173-11:175**  
required services and other data,  
initial registration, **11:169**  
service and filing registration  
forms, **11:172-11:175**  
Rehabilitation and improvement  
program, tax exemption and  
abatement programs, **11:83**  
Relocation and stipends, **11:484**,  
**11:485**, **11:491**, **11:492**, **11:495**  
Renewal of lease, failure or refusal of  
tenant, **11:447-11:449**  
Rent Act of 2011, **11:32**  
Rent Act of 2015, **11:32**  
Rent reduction, **11:388-11:402**  
Rent Regulation Reform Act of 1993,  
**11:30**  
Rent Regulation Reform Act of 1997,  
**11:31**  
Rent Stabilization Code, **11:42-11:44**  
Report of vacancy decontrol, **11:164**  
Required services. Essential or  
required services, above  
Reregulation of multiple dwellings  
purchased from New York City,  
**11:142**  
Restoration of reduced rents, **11:402**  
Retroactive application, succession  
rights of family members,  
**11:425**  
Retroactive MCI, payment by vacat-  
ing tenant, **11:293**  
Reversion of deregulated property to  
rent stabilization, **11:141**  
Rights and obligations, regulation of,  
**2:122**, **2:123**, **2:129**, **2:130**  
Roofing, **11:275**, **11:276**  
Rooming house, **11:76**  
Roommates, **3:49-3:51**, **11:426**  
**Security Deposits** (this index)  
Senior Citizens Rent Increase  
Exemption Program, increase of  
rent, **11:298**

### **RENT CONTROL AND RENT STABILIZATION—Cont'd**

Service  
registration forms, **11:172-11:175**  
RR-1(i) form, **11:187**, **11:188**,  
**11:199**  
Signature on lease does not constitute  
consent of tenant, **11:233**  
**Single Room Occupancy Units**  
(SROs) (this index)  
Spouse, addition of, **11:328**  
State Rent and Eviction Regulations,  
**11:39**  
Statute of limitations, overcharge of  
rent, **11:349 et seq.**  
Storm windows, replacement  
windows after prior increase for,  
**11:279**  
Subleases and assignments  
generally, **11:429-11:440**  
furniture surcharge, **11:437**  
increase of rent during sublet term,  
**11:434**, **11:435**  
not-for-profit hospitals, **11:440**  
sublet surcharge, collection of,  
**11:439**  
two year limit on sublease, **11:438**  
under rent control, **11:430**, **11:433-**  
**11:435**  
under rent stabilization, **11:431**,  
**11:436-11:440**  
Submetered electricity or other utility  
service, surcharges for, **11:252-**  
**11:255**  
Succession rights of family members  
generally, **11:410-11:428**  
concurrent jurisdiction, **11:411**  
cooperatives and condominiums,  
**11:412-11:414**  
criteria for establishing committed  
family-type relationship,  
**11:422**  
disabled person, defined, **11:417**  
elderly, disabled, and long-term  
residents, recovery of unit for  
owner occupancy, **11:472**  
eviction plans, cooperatives and  
condominiums, **11:414**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Succession rights of family members  
—Cont'd  
family member, defined, **11:420, 11:421**  
joinder of tenant's estate, **11:427**  
nephews, nieces, aunts, and uncles, **11:421**  
non-eviction cooperatives, **11:413**  
notice to landlord of family members with possible succession rights, **11:423, 11:424**  
primary residence requirement, **11:419**  
residency term requirements, **11:415-11:419**  
retroactive application, **11:425**  
roommates and other occupants, **11:426**  
senior citizen, defined, **11:416**  
temporary relocation, interruption of minimum residency requirements, **11:418**  
vacancy increases permitted for second succession, **11:428**  
Surcharges for submetered electricity or other utility service, **11:252-11:255**  
Surrender of possession, **8:60, 8:63**  
Tax benefit programs, **11:80-11:84, 11:136, 11:137**  
Tax certiorari proceedings or objections, hardship to landlord, **11:309**  
Technical errors, treble damages, **11:363**  
Temporary relocation, interruption of minimum residency requirements, **11:418**  
Tenant, defined, **2:24, 2:25**  
**Termination of Lease** (this index)  
Term or duration of lease or tenancy, **2:40, 2:41**  
Third party certification, **11:289, 11:387**  
Three or more units, buildings with, **11:58-11:60**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Time and date  
governing time limitations, **11:129**  
major capital improvements, filing application for increase of rent for, **11:259**  
Toilets, low flush, **11:277**  
Tourist homes, **11:67, 11:100**  
Transfer of tenancy rights  
generally, **11:410-11:441**  
subleases and assignments, above  
succession rights of family members, above  
Treble damages, **11:198, 11:358-11:365**  
Unaffiliated tenants, units owned or operated by charitable or educational institutions, **11:97, 11:98**  
Uncles, succession rights of family members, **11:421**  
Unconscionability, **10:24**  
Urstadt Law, **11:46**  
Vacancy  
“bonus,” **11:203**  
decontrol law, **11:27**  
increase, **11:205**  
Venue. Jurisdiction and venue, above  
Waiver of benefit void, **11:318**  
Washing machines, **11:246**  
Waterproofing, roofing, **11:276**  
Willful overcharges, treble damages, **11:358-11:365**  
Window guards, **11:247**  
Window period for renewal lease offer and acceptance, **11:330, 11:331**  
Windows, **11:278-11:282**  
Withdrawal of unit from market  
generally, **11:493-11:497**  
relocation and stipends, **11:495**  
rent control, **11:494, 11:495**  
rent stabilization, **11:496, 11:497**  
Written leases, **2:121, 2:127, 2:128**  
Zoning as exemption, **11:85**  
**RENT GUIDELINES BOARD**  
Single room occupancy units (SROs), **18:248**

## INDEX

### **RENT REGULATION REFORM ACT OF 1993**

Rent control and rent stabilization,  
**11:30**

### **RENT REGULATION REFORM ACT OF 1997**

Rent control and rent stabilization,  
**11:31**

### **RENT STABILIZATION CODE**

Rent control and rent stabilization,  
**11:42-11:44**

### **RENT STRIKES**

Generally, **16:1-16:43**

Abatements

generally, **16:39-16:43**

evidence, **16:41**

factors, **16:42, 16:43**

hearing, **16:40, 16:41**

measure of damages, **16:43**

Accounting, **16:35-16:37**

Adequate remedy at law, injunctive  
relief, **16:29**

Administrators, institution against,  
**16:17**

Associational activities of tenants,  
facilitation by state statutes,  
**16:8-16:14**

Common questions of law and fact,  
consolidation of cases, **16:19**

Compelling compliance with war-  
ranty of habitability, **16:2-16:5**

Consolidation of cases

generally, **16:18-16:24**

common questions of law and fact,  
**16:19**

good cause to oppose consolida-  
tion, **16:23**

inconsistent outcomes, avoidance  
of, **16:20**

judicial economy, **16:21**

New York City Civil Court, **16:22-  
16:24**

summary proceeding and Supreme  
Court litigation, **16:24**

Constitutional underpinnings, **16:7**

Counterclaim, retaliatory eviction,  
**16:12**

### **RENT STRIKES—Cont'd**

Defense, retaliatory eviction, **16:11**

Evidence, abatements, **16:41**

Good cause to oppose consolidation,  
**16:23**

Hearings, abatements, **16:40, 16:41**

Inconsistent outcomes, avoidance of,  
**16:20**

Injunctive relief

generally, **16:25-16:34**

adequate remedy at law, existence  
of, **16:29**

balancing equities in movant's  
favor, **16:30**

grant of ultimate relief disfavored,  
**16:33**

irreparable harm, **16:28, 16:29**

likelihood of ultimate success on  
merits, **16:27**

procedure, **16:34**

undertaking required as quid pro  
quo, **16:31, 16:32**

Irreparable harm, injunctive relief,  
**16:28, 16:29**

Judicial economy, consolidation of  
cases, **16:21**

Likelihood of ultimate success on  
merits, injunctive relief, **16:27**

Parties against whom rent strike may  
be instituted, **16:16, 16:17**

Parties who may commence rent  
strike, **16:15**

Picketing, **16:38**

Protests, **16:38**

Receivers, institution against, **16:17**

Retaliatory purposes, utilization of  
eviction proceeding for, **16:9-  
16:11**

Segregation of funds, accounting,  
**16:37**

Summary proceeding and Supreme  
Court litigation, consolidation of  
cases, **16:24**

Warranty of habitability, breach of,  
**16:4, 16:5**

### **REPAIRS**

**Maintenance and Repairs** (this  
index)

**REPLY**

Article 7-A proceedings, **16:98**

**REPORTS**

Communication with opposing parties, **1:121, 1:122**

Rent control and rent stabilization, vacancy decontrol, **11:164**

**REQUIRED SERVICES**

**Rent Control and Rent Stabilization** (this index)

**RESCISSION**

Possession of property, **8:15, 10:30**

Single room occupancy units (SROs), certification, **18:241**

**RES JUDICATA**

**Administrative Proceedings** (this index)

Article 78 proceedings, **17:179-17:181**

Bankruptcy proceeding, effect of assumption or rejection of unexpired leases in subsequently filed, **20:358**

Yellowstone injunctions, **16:214**

**RESTORATION**

**Illegal Evictions** (this index)

**RETAINERS**

Attorneys' fees, **1:74-1:76, 1:100**

**RETAINING LIENS**

Attorneys' fees, **1:101**

**RETALIATION**

Attorneys' fees and costs, **4:260**

Human Rights Law (NY), **5:84**

Human Rights Law (NYC), **5:118**

Lease agreements, **4:286**

Rent strikes, utilization of eviction proceeding, **16:9-16:11**

**RETALIATORY EVICTION**

**DEFENSE**

**Holdover Proceedings** (this index)

**RETROACTIVITY**

Navigation Law § 181, **12:150**

Subleases and assignments, **4:119**

**REVERSION**

Life estates and life occupancies, death of life tenant, **2:102**

**REVIEW**

**Appeal and Review** (this index)

**RIGHT OF FIRST REFUSAL TO PURCHASE**

**Options** (this index)

**RIGHTS AND OBLIGATIONS OF TENANCY**

Generally, **10:1-10:161**

**Abandonment or Early Termination** (this index)

Assignments. **Subleases and Assignments** (this index)

Background, **10:1, 10:2**

Condemnation. **Eminent Domain** (this index)

**Condition of Premises** (this index)

Conditions precedent, dependent covenants, **10:8**

Covenants governing lease, generally, **10:3-10:24**

Dependent and independent covenants, **10:7-10:9**

Early termination. **Abandonment or Early Termination** (this index)

**Eminent Domain** (this index)

Express covenants, **10:4**

Fair dealing, **10:11**

**Fixtures** (this index)

Good faith, **10:11**

Implied covenants, **10:5, 10:6**

Independent and dependent covenants, **10:7-10:9**

Legal purposes, use of premises for generally, **10:125-10:128**

nature and scope of duty, **10:126**

remedies of landlord, **10:127**

waiver by landlord, **10:128**

**Maintenance and Repairs** (this index)

Mutual covenants

generally, **10:10-10:24**

good faith and fair dealing, **10:11**

**Unconscionability** (this index)

## INDEX

### **RIGHTS AND OBLIGATIONS OF TENANCY—Cont'd**

Nature of parties' agreement must be ascertained, **10:2**

Occupancy of premises, **10:100-10:102**

Payment of rent. **Rent and Other Charges** (this index)

Percentage leases, use and occupancy of premises, **10:101**

**Possession of Property** (this index)

**Quiet Enjoyment** (this index)

Remedies of landlord, use of premises for legal purposes, **10:127**

**Rent and Other Charges** (this index)

Rent regulations, occupancy of premises, **10:102**

Repairs. **Maintenance and Repairs** (this index)

**Section 8 Housing Program** (this index)

Statutory obligations, implied covenants, **10:6**

**Subleases and Assignments** (this index)

Trade fixtures. **Fixtures** (this index)

**Unconscionability** (this index)

Use of premises, **10:100-10:102**

Waiver by landlord, use of premises for legal purposes, **10:128**

**Waste** (this index)

### **ROOFING**

Rent control and rent stabilization, **11:275, 11:276**

### **ROOMING HOUSES**

Generally, **2:164**

Americans With Disabilities Act, **5:66**

Rent control and rent stabilization, **11:76**

### **ROOMMATES**

Generally, **3:37-3:51**

Amount of rent tenant can charge, **3:52**

Consent, tenancy by, **3:47**

Guest, distinguished, **3:40**

### **ROOMMATES—Cont'd**

Legal restriction, **3:41-3:44**

Notice requirements, **3:42**

Overcrowding, **3:44**

Primary residence, tenant must maintain, **3:43**

Rent control and rent stabilization, **3:49-3:51, 11:426**

Rent increase for roommates, collection by landlord, **3:48-3:51**

Subtenant, distinguished, **3:39**

Tenant, distinguished, **3:38-3:40**

Termination of tenancy, effect of, **3:46, 3:47**

### **RULES AND REGULATIONS**

**Lease Agreements** (this index)

### **RURAL RENTAL ASSISTANCE PROGRAM**

Generally, **19:280-19:286**

Amount of assistance, **19:282**

Participation by landlords, **19:283**

Preferences, **19:285**

Rent and rent increases, **19:286**

Rural areas, **19:281**

Selection of tenants, **19:284, 19:285**

### **SAFETY**

**Health and Safety** (this index)

### **SALE OF GOODS**

**Warehouse Sale** (this index)

### **SANCTIONS**

**Frivolous Conduct** (this index)

### **SATELLITE DISHES**

Holdover proceedings, **15:16**

Lease agreements, nonwaivable and nonmodifiable rights, **4:287**

Termination of tenancy, **13:48, 13:49**

### **SATURDAYS**

Rent and other charges, time for payment, **6:7**

### **SCHOOL DISTRICTS**

Term or duration of lease or tenancy, **4:67**



## SECRETARY OF STATE

Nonpayment proceedings, personal service, **14:168**

## SECTION 8 HOUSING PROGRAM

Generally, **19:2-19:102**

Acceptance of voucher after landlord opts-out of program, **19:11**

Administrative hearing, termination of tenancies, **19:96 et seq.**

Amount of assistance

generally, **19:20-19:23**

certificate program, **19:21**

vacancy payments, **19:23**

voucher program, **19:22**

Annual increases, rent adjustments during tenancy term, **19:58, 19:59**

Basis of subsidy, **19:7-19:10**

Certificate program, **19:21**

Certification procedures, Williams consent judgment, **19:85**

Costs of landlord, rent adjustments during tenancy term, **19:60**

Creation of tenancy, **19:34**

Damages, **19:67, 19:68**

Due process, rent and rent increases, **19:52**

Eligibility for assistance

generally, **19:12-19:19**

grounds for denial, **19:17**

informal review, **19:18, 19:19**

low-income families, defined, **19:13**

notice of denial, **19:16**

very low-income families, defined, **19:14**

Westchester County, **19:15**

Eviction wrongful, restoration remedy, **19:102**

Forms

certification of basis for eviction proceeding, **19:305**

notice to tenants of preemption request, **19:306**

Good cause, termination of tenancies, **19:74-19:80**

**Holdover Proceedings** (this index)

Housing agency, liability of, **19:69**

## SECTION 8 HOUSING PROGRAM

—**Cont'd**

HUD addendum, new construction, **19:44**

Increases in rent. Rent and rent increases, below

Inspection obligations, **19:65**

Interpretation, **19:33**

Intervention, Williams consent judgment, **19:88**

Joinder of housing authority as party, Williams consent judgment, **19:89**

Low-income families, defined, **19:13**

Maximum ceiling, initial rent, **19:50-19:52**

New construction, **19:5**

Nonpayment by housing agency, termination of tenancies, **19:80**

**Nonpayment Proceedings** (this index)

Non-waiting list assistance, selection of tenants, **19:40**

Notice of petition and petition, termination of tenancies, **19:94**

Objection by housing authority, Williams consent judgment, **19:86**

Obligations during tenancy

generally, **19:62-19:72**

damages, **19:67, 19:68**

enforcement, **19:71**

housing agency, liability of, **19:69**

inspection obligations, **19:65**

landlord obligations, **19:63, 19:64**

remedies, **19:66, 19:67**

security deposits, **19:70, 19:72**

tenant obligations, **19:68-19:71**

Opting out of program, landlord's obligations after, **19:11**

Overcharges of rent, **19:51**

Preemption of state and local law, **19:30-19:32, 19:306**

Preferences, selection of tenants, **19:36-19:40**

Private landlord participation

generally, **19:24-19:29**

disapproval of tenant's application to lease particular unit, **19:25-19:27**

## INDEX

### SECTION 8 HOUSING PROGRAM

#### —Cont'd

- Private landlord participation
  - Cont'd
  - termination of assistance payments to landlord, **19:29**
  - termination or expiration of assistance contract, **19:28**
- Reasonableness, initial rent, **19:53**
- Remedies, obligations during tenancy, **19:66, 19:67**
- Renewal leases, **19:46, 19:47**
- Rental agreement
  - generally, **19:43-19:47**
  - HUD addendum, new construction, **19:44**
  - prohibited provisions, **19:45**
  - renewal leases, **19:46, 19:47**
- Rental rehabilitation housing programs, **19:4**
- Rent and rent increases
  - generally, **19:48-19:61**
  - annual increases, rent adjustments during tenancy term, **19:58, 19:59**
  - costs of landlord, rent adjustments during tenancy term, **19:60**
  - due process, maximum ceiling, **19:52**
  - initial rent, **19:49-19:54**
  - local rent regulation, **19:55, 19:56**
  - maximum ceiling, initial rent, **19:50-19:52**
  - overcharges of rent, **19:51**
  - reasonableness, initial rent, **19:53**
  - tenancy term, rent adjustments during, **19:57-19:61**
  - voucher program, initial rent, **19:54**
- Screening standards, selection of tenants, **19:42**
- Security deposits, **19:70, 19:72**
- Selection of tenants
  - generally, **19:35-19:42**
  - federal preferences, **19:37**
  - local preferences, **19:38**
  - non-waiting list assistance, **19:40**
  - preferences, **19:36-19:40**
  - screening standards, **19:42**

### SECTION 8 HOUSING PROGRAM

#### —Cont'd

- Selection of tenants—Cont'd
  - senior citizens, preferences for, **19:39**
- Senior citizens, preferences for, **19:39**
- Service of termination notice, **19:82-19:94**
- Structure, attachment of subsidy to, **19:9**
- Substantially rehabilitated housing, **19:6**
- Targeted Section 8, **19:103**
- Tenant, attachment of subsidy to, **19:8**
- Termination of tenancies
  - generally, **19:73 et seq.**
  - administrative hearing, **19:96 et seq.**
  - breach of lease, **19:75**
  - good cause, **19:74-19:80**
  - household members, administrative hearing, **19:98**
  - nonpayment by housing agency, **19:80**
  - notice of petition and petition, **19:94**
  - other good cause, **19:77, 19:78**
  - procedures, **19:95**
  - restoration as remedy for wrongful eviction, **19:102**
  - review procedures, **19:100**
    - restoration as remedy for wrongful eviction, **19:102**
  - service of termination notice, **19:82-19:94**
  - tenant, termination by, **19:81**
  - validity of termination notice, challenge to, **19:99**
  - violations of law, **19:76**
  - waiver inapplicable, **19:79**
  - Williams consent judgment, below
- Term of certificate or voucher, **19:10**
  - validity after landlord opts out of project-based program, **19:11**
- Types of housing, **19:3-19:6**
- Unpaid subsidies, recovery of, **19:93**
- Vacancy payments, **19:23**

**SECTION 8 HOUSING PROGRAM  
—Cont'd**

Very low-income families, defined, **19:14**  
 Voucher program, **19:11, 19:22, 19:54**  
 Waiver, termination of tenancies, **19:79**  
 Warranty of habitability, **9:13**  
 Westchester County, eligibility for assistance, **19:15**  
 Williams consent judgment  
     generally, **19:84-19:93**  
     certification procedures, **19:85**  
     content of certification, **19:91**  
     intervention, **19:88**  
     joinder of housing authority as party, **19:89**  
     objection by housing authority, **19:86**  
     requirement of certification, **19:87**  
     response of tenant, time for, **19:90**  
     unpaid subsidies, recovery of, **19:93**

**SECTION 221**

**Loan Programs, Federal** (this index)

**SECTION 236**

**Loan Programs, Federal** (this index)

**SECURITY DEPOSITS**

Generally, **4:80, 4:81, 7:1-7:67**  
 Accord and satisfaction, **7:28**  
 Actual knowledge, liability of new owner, **7:46, 7:47**  
 Administrative fee, **7:42, 7:52, 7:61**  
 Annual interest payments, interest-bearing account, **7:43**  
 Approval of tenant, deposit pending, **7:71**  
 Arrears, default nor cured by application to rent, **7:5**  
 Attorney General has standing to sue, interest-bearing account, **7:44**  
 Bankruptcy issues, **20:286-20:291, 20:376**

**SECURITY DEPOSITS—Cont'd**

Civil remedy to recover deposits, **7:54**  
 Commingling of funds  
     generally, **7:8-7:15**  
     breach by tenant does not relieve landlord of duty to segregate funds, **7:12, 7:13**  
     conversion, commingling as, **7:10**  
     correction of commingling, **7:11**  
     damages, use of security deposit to offset, **7:14, 7:15**  
     interest-bearing account, deposit into, **7:9**  
 Constructive eviction, refund upon termination of tenancy, **7:22**  
 Conversion, commingling of funds as, **7:10**  
 Conveyance of property, rent-stabilized tenants, **7:63-7:66**  
 Correction of commingling of funds, **7:11**  
 Damages, use of security deposit to offset, **7:14, 7:15, 7:27, 7:28**  
 Defined, **7:2-7:5**  
 Government subsidized housing, New York State programs, **19:218**  
 Holdover proceedings grounds, **15:22**  
 HOME Program, **19:117**  
 Interest-bearing account  
     generally, **7:9, 7:38-7:44, 7:52**  
     administrative fee, **7:42**  
     annual interest payments, **7:43**  
     Attorney General has standing to sue, **7:44**  
     six dwelling units, **7:39**  
     written notice to tenant, **7:40, 7:41**  
 Lease agreements, **4:288**  
 Loan programs, New York City, **19:292**  
 Manufactured home parks, **2:156, 7:69**  
 New York State bank, deposit in, **7:62**  
 Nonpayment proceedings, **14:234, 14:369**  
 Offsets by landlord  
     generally, **7:14, 7:15, 7:24-7:34**

## INDEX

### **SECURITY DEPOSITS—Cont'd**

Offsets by landlord—Cont'd  
    accrued interest on security deposit  
        need not be applied to  
        supplemental security owed  
        by tenant, **7:32**  
    damages, use of security deposit to  
        offset, **7:14, 7:15, 7:27, 7:28**  
    exceptions to right to withhold,  
        **7:34**  
    inspection right of tenant, **7:25**  
    interest owed on security deposit  
        no defense to rent nonpay-  
        ment, **7:31**  
    rent arrears, tenant cannot offset,  
        **7:30-7:33**  
    repairs, tenant's right to make,  
        **7:26**  
    timing of refund, **7:29**  
Prepaid rent also held in trust, **7:35**  
Priority of landlord's claim to secu-  
rity deposits, **7:7**  
Public assistance, tenants receiving,  
    **7:70**  
Receiver, liability upon conveyance  
of property, **7:64**  
Refund upon termination of tenancy  
generally, **7:20-7:23**  
    constructive eviction, **7:22**  
    stipulation of settlement is silent,  
        **7:21**  
    warranty of habitability, breach of,  
        **7:23**  
Renewal of lease, amount of deposit,  
    **7:59**  
Rent, security deposit is not, **7:3**  
Rent-controlled tenants  
    generally, **7:50-7:55, 11:409**  
    administrative fee, **7:52**  
    excess deposit, collection consti-  
        tutes rent overcharge, **7:55**  
    interest-bearing account, deposit  
        in, **7:52**  
    maximum amount of security  
        deposit, **7:51**  
    new landlord, liability of, **7:53**  
Rent-stabilized tenants  
    generally, **7:56-7:68, 11:409**  
    administrative fee, **7:61**

### **SECURITY DEPOSITS—Cont'd**

Rent-stabilized tenants—Cont'd  
    amount of deposit, **7:57-7:59**  
    conveyance of property, liability  
        upon, **7:63-7:66**  
    effective date, liability upon  
        conveyance of property, **7:66**  
    excess security deposit claim, **7:68**  
    interest, disbursement of, **7:60**  
    New York State bank, deposit in,  
        **7:62**  
    receiver, liability upon conveyance  
        of property, **7:64**  
    renewal of lease, amount of  
        deposit, **7:59**  
    rules, statement in rent stabiliza-  
        tion lease rider, **7:67**  
    waiver of benefit, liability upon  
        conveyance of property, **7:65**  
Section 8 Housing program, **19:70,**  
    **19:72**  
Substantial obligation of tenancy,  
    **7:4, 7:5**  
Termination of lease, **13:55**  
Transfer of security deposits upon  
conveyance of property  
    generally, **7:16-7:19, 7:45-7:49**  
    absolute liability of new owner,  
        **7:46, 7:47**  
    actual knowledge, liability of new  
        owner, **7:46, 7:47**  
    express conveyance required, **7:19**  
    failure to transfer is misdemeanor,  
        **7:18**  
    new owner, liability by, **7:17, 7:45-**  
        **7:49**  
    notice to tenant of lack of record of  
        security deposit, **7:48, 7:49**  
Trust, deposit held in, **7:6**  
Unconscionability, **10:19**  
Waiver of benefit, liability upon  
conveyance of property, **7:65**  
Warranty of habitability, refund upon  
termination of tenancy, **7:23**  
Withdrawal of offer prior to accep-  
tance by landlord, **7:71**  
**SELECTION OF TENANTS**  
    **Government Subsidized housing,**  
    **New York State Programs (this**  
    **index)**

**SELECTION OF TENANTS  
—Cont'd**

HOME Program, **19:110, 19:111**  
 Loan programs, federal, **19:127, 19:128**  
 Loan programs, New York City, **19:289, 19:290**  
**Low-Income Housing Trust-Fund Program** (this index)  
**Low-Income Turnkey-Housing Trust Fund Program** (this index)  
 Rural rental assistance program, **19:284, 19:285**  
**Section 8 Housing Program** (this index)

**SELF-HELP**

Guests and lodgers, self-help eviction, **3:57**  
 Holdover proceedings, common law right to self-help, **15:87**  
 Illegal evictions, **16:402, 16:434 et seq.**  
 Licenses, **3:30, 3:31**  
**Occupancy Relationships Similar to Tenancies** (this index)  
 Possession of property, **8:40, 8:41**  
 Squatters and intruders, **3:94**  
 Termination of lease, **13:7**

**SENIOR CITIZENS**

Generally, **2:165-2:171**  
**Adult Care Facilities, Senior Citizens Entering** (this index)  
**Age Discrimination** (this index)  
 Cooperative/condominium conversions, **2:170**  
 Fair Housing Act, discrimination against children by housing for older persons, **5:49**  
 Family or marital status discrimination, exemptions, **5:156**  
 Form, notice to senior citizens, residential lease termination, **2:174**  
 Government subsidized housing, New York State programs, **19:190, 19:197**  
 Holdover proceedings exemption, **15:20, 15:50, 15:58, 15:69**

**SENIOR CITIZENS—Cont'd**

Human Rights Law (NYC), **5:122**  
 Low-income housing trust-fund program, **19:254**  
 Pets, federal housing, **4:193, 15:20**  
 Rent control and rent stabilization, **2:168, 2:169, 11:469-11:475**  
 Section 8 Housing program, preferences, **19:39**  
**Senior Citizens Rent Increase Exemption Program** (this index)  
 Statutory protections and benefits, **2:166**  
 Termination of lease, **2:171, 13:53, 13:107, 13:113, 13:116, 13:118**

**SENIOR CITIZENS RENT  
INCREASE EXEMPTION  
PROGRAM**

Generally, **2:167, 19:301**  
 Rent control and rent stabilization, increase of rent, **11:298**

**SERVICE OF PROCESS AND  
PAPERS**

Administrative proceedings, notices, **17:7**  
**Article 7-A Proceedings** (this index)  
**Article 78 Proceedings** (this index)  
 Contempt, **16:326 et seq.**  
**Holdover Proceedings** (this index)  
**HP Proceedings** (this index)  
**Lofts** (this index)  
**Nonpayment Proceedings** (this index)  
**Personal Service** (this index)  
**Petition for Administrative Review** (this index)  
 “Poor person” proceedings, **16:357**  
**Rent Control and Rent Stabilization** (this index)  
 Section 8 Housing program, **19:82-19:94**  
**Substituted Service** (this index)  
**Termination of Lease** (this index)  
 Yellowstone injunctions, **16:195-16:200, 16:203-16:205**

## INDEX

### SETTLEMENT

**Compromise and Settlement** (this index)

### SEVERABILITY

Lease agreements, **4:265**

### SEWAGE LEAKS AND SPILLS

Warranty of habitability, **9:72**

### SEX CLUBS

Immoral or illegal use of occupancy, **13:78**

### SEX DISCRIMINATION

**Gender Discrimination** (this index)

### SEXUAL ORIENTATION

Disabled persons, discrimination against, **5:185**

Family or marital status discrimination, **5:155**

Gender discrimination, **5:144**

### SHOW CAUSE ORDERS

Nonpayment proceedings, **14:71**

### SIDEWALKS

Premises liability, **12:36, 12:37, 12:67**

### SIGNATURES

Lease agreements, **4:270-4:272**

### SINGLE PERSONS

Family or marital status discrimination, **5:152**

### SINGLE ROOM OCCUPANCY UNITS (SROS)

Generally, **18:184-18:242, 18:245-18:248**

Anti-harassment protections, **18:192**

Background, **18:189-18:195**

Blight, SROs as, **18:190**

Class A multiple dwelling, defined, **18:187**

Class B multiple dwelling, defined, **18:188**

Classification of SRO buildings, **18:185-18:188**

Constitutional challenge, harassment, **18:242**

Defined, **18:184**

### SINGLE ROOM OCCUPANCY UNITS (SROS)—Cont'd

Department of Housing Preservation and Development, **18:245, 18:246**

Division of Housing and Community Renewal, **18:245, 18:247**

Filing fee, harassment, **18:234**

Harassment

generally, **18:221-18:242**

applications, **18:231-18:234, 18:249**

constitutional challenge, **18:242**

contents of application, **18:233**

defined, **18:228, 18:229**

defined, Local Law 68 of 2014, **18:243**

filing fee, application, **18:234**

form for application for certification of no harassment or exemption, **18:249**

hearing stage, **18:238**

HPD decisions, **18:239**

initial determination stage, **18:237**

inquiry period, defined, **18:230**

mechanisms of law, **18:222**

notice of application, **18:236**

persons who should file application, **18:232**

post-determination stage, **18:240**

presumptions, **18:229**

process, **18:235-18:239**

rent-stabilization, **18:205**

single room occupancy multiple dwelling, defined, **18:223, 18:224**

statutory exemptions, **18:225, 18:226**

suspension and rescission of certification, **18:241**

waivers, **18:227**

Hearing stage, harassment, **18:238**

History, **18:189-18:195**

Increases in rent, rent-stabilization, **18:207**

Moratoriums on development, **18:193, 18:194**

Multiple dwelling, defined, **18:186**

**SINGLE ROOM OCCUPANCY  
UNITS (SROS)—Cont'd**

New York City hotel room occupancy tax, **18:213-18:216**  
 Notice of application, harassment, **18:236**  
 Number of SROs, **18:195**  
 Overcharges of rent, rent-stabilization, **18:209**  
 Presumptions, harassment, **18:229**  
 Process, harassment, **18:235-18:239**  
 Receipts for rent, rent-stabilization, **18:210**  
 Registration requirements, rent-stabilization, **18:208**  
 Rent Guidelines Board, **18:248**  
 Rent-stabilization  
     generally, **18:196-18:211**  
     continued occupancy, entitlement to, **18:202-18:204**  
     eviction, grounds for, **18:203, 18:204**  
     harassment, protections against, **18:205**  
     hotel, defined, **18:197**  
     increases in rent, **18:207**  
     legal-regulated rent, **18:206-18:210**  
     overcharges of rent, **18:209**  
     permanent tenant, defined, **18:199-18:211**  
     receipts for rent, **18:210**  
     registration requirements, **18:208**  
     rights of permanent tenants, **18:200-18:211**  
     services required, **18:211**  
     transient occupancy, defined, **18:198**  
 Rescission of certification, harassment, **18:241**  
 Suspension and rescission of certification, harassment, **18:241**  
 Taxes  
     generally, **18:212-18:218**  
     New York City hotel room occupancy tax, **18:213-18:216**  
     permanent residents, **18:214, 18:218**

**SINGLE ROOM OCCUPANCY  
UNITS (SROS)—Cont'd**

Taxes—Cont'd  
     state and city sales tax, **18:217, 18:218**  
 Unlawful eviction law, **18:219, 18:220**  
 Waivers, harassment, **18:227**

**SMOKE DETECTORS**

Multiple dwelling law, **12:66**  
 Warranty of habitability, **9:73**

**SNOW REMOVAL**

Generally, **12:100-12:103**  
 Counties must remove snow from public roads, **12:102**  
 New York City, **12:101**  
 State highway, property abutting, **12:103**  
 Warranty of habitability, **9:40**

**SOAP DISHES**

Warranty of habitability, **9:74**

**SOCIAL SERVICES**

Guests and lodgers, **3:61**

**SOLID WASTE DISPOSAL ACT**

Generally, **12:135-12:138**  
 Hazardous substances, defined, **12:136**  
 Strict liability, **12:137, 12:138**  
 Subsequent owners, liability of, **12:138**

**SPECIAL CLASSES OF TENANTS**

Generally, **2:118-2:171**  
 Assignments. **Subleases and Assignments** (this index)  
**Cooperative and Condominium Occupants** (this index)  
 Hotel tenancies, **2:160-2:162**  
**Manufactured Home Park Tenancies** (this index)  
 Military personnel, **2:172**  
**Rent-Controlled Tenants** (this index)  
**Rent-Stabilized Tenants** (this index)  
 Residential loft tenancies, **2:163**  
 Rooming houses, **2:164**  
**Senior Citizens** (this index)



## INDEX

### **SPECIAL CLASSES OF TENANTS —Cont'd**

Services, hotel tenancies, **2:162**  
Statutory protections, generally,  
**2:118**  
**Subleases and Assignments** (this  
index)

### **SPECIAL RELATIONSHIPS**

Premises liability, **12:29, 12:30,**  
**12:191**

### **SPECIFIC PERFORMANCE**

Options, **4:323**  
Possession of property, **8:20, 8:21**

### **SPEIGEL DEFENSE**

Nonpayment proceedings, N.Y. Soc.  
Serv. Law § 145-b, **14:388**

### **SPONSOR-HELD UNITS**

Cooperatives and condominiums,  
post-conversion tenancy entitle-  
ments, **2:142**

### **SPOUSES**

Licenses, **3:34**  
Rent control and rent stabilization,  
**11:328**

### **SQUATTERS AND INTRUDERS**

Generally, **3:82 et seq.**  
Alternate grounds, summary proceed-  
ings on, **3:96-3:98**  
Consent, entry of premises, **3:87-**  
**3:89**  
Defined, **3:83-3:85**  
Eviction, **3:91-3:94**  
Holdover proceedings, **15:76, 15:257**  
HP proceedings, **16:233**  
Illegal evictions, **16:435**  
Illegal evictions, New York City,  
**16:450**  
Landlord-tenant relationship does not  
exist, **3:86-3:90**  
Licensee vs. squatter, **3:95-3:98**  
Notice requirement, **3:85**  
Possession of property, **10:34, 10:35**  
Property rights, **3:90**  
Roommate not squatter, **3:93**  
Self-help eviction, **3:94**  
Sublessee not squatter, **3:93**

### **SQUATTERS AND INTRUDERS —Cont'd**

Summary proceedings, eviction,  
**3:92, 3:93, 3:96-3:98**  
Withdrawal of consent to enter  
premises, **3:89**

### **STANDING**

Article 7-A proceedings, **16:53**  
Discrimination, **5:200-5:209, 5:221-**  
**5:224, 5:233**  
HP proceedings, **16:280**  
Waste, **10:137, 10:138**

### **STATE DIVISION OF HUMAN RIGHTS**

Human Rights Law (NY),  
administration of, **5:93, 5:94**

### **STATE RENT AND EVICTION REGULATIONS**

Rent control and rent stabilization,  
**11:39**

### **STATUTE OF FRAUDS**

**Lease Agreements** (this index)  
Parties to lease agreements, real  
estate brokers, **4:43**  
Subleases and assignments, **4:154**

### **STATUTES OF LIMITATION**

Article 78 proceedings, **17:123-**  
**17:127**  
Civil Rights Act of 1866, **5:199**  
Discrimination, **5:195-5:199, 5:220,**  
**5:232**  
Environmental liability, **12:165,**  
**12:172**  
Fair Debt Collection Practices Act,  
**1:173**  
Illegal evictions, **16:400**  
Lofts, **18:37, 18:108, 18:109**  
Rent control and rent stabilization,  
overcharge of rent, **11:349 et**  
**seq.**  
Warranty of habitability, **9:82**

### **STAYS**

**Bankruptcy** (this index)  
Holdover proceedings  
warrant (commercial tenants),  
**15:627-15:629**

**STAYS—Cont'd**

- Holdover proceedings—Cont'd
  - warrant (NYC residential tenants), **15:613-15:624**
  - warrant (outside NYC), **15:625-15:626**
- Nonpayment proceedings
  - notice of eviction and warrant, **14:489, 14:490**
  - N.Y. Real Prop. Act § 755 stay, **14:378-14:382**
- Petition for administrative review, stays pending determination, **17:82-17:87**
- Tenancies at sufferance, automatic stay, **2:117**

**STEERING**

- Fair Housing Act, **5:35**
- Race discrimination, **5:132, 5:204**

**STEPCHILDREN**

- Licenses, **3:35**

**STIPULATIONS**

- Holdover Proceedings** (this index)
- Nonpayment Proceedings** (this index)
- Warranty of habitability, **9:7**

**STORM WINDOWS**

- Rent control and rent stabilization, replacement windows after prior increase, **11:279**

**STRICT LIABILITY**

- Generally, **12:104-12:115**
- Air Pollution Prevention and Control Act, **12:141**
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980, **12:131-12:133**
- Fire-related protections, **12:107, 12:108**
- Labor Law §§ 240, 241, **12:109-12:111**
- Navigation Law § 181, **12:149**
- Petroleum products, leakage of, **12:105, 12:106**
- Single family homes, Labor Law §§ 240, 241, **12:110, 12:111**

**STRICT LIABILITY—Cont'd**

- Solid Waste Disposal Act, **12:137, 12:138**
- Two family homes, Labor Law §§ 240, 241, **12:110, 12:111**
- Underground storage tanks, leakage of petroleum products, **12:106**
- Water Pollution Control Act, **12:145**
- Window Guards** (this index)

**STRIKES AND LABOR DISPUTES**

- Warranty of habitability, **9:80, 14:395**

**SUBLEASES AND ASSIGNMENTS**

- Generally, **2:145 et seq., 4:114-4:154, 10:142-10:152**
- Acceptance of rent, **2:148, 2:149, 4:128-4:131**
- Bankruptcy** (this index)
- Bankrupt tenant, liability upon assignment, **10:152**
- Burden of proof, reasonableness of withholding of consent, **4:134**
- Commercial leases, generally, **4:123-4:132, 10:145**
- Consent. Reasonableness of withholding of consent, below
- Distinctions, **4:143, 10:143**
- Effect of valid assignment
  - generally, **4:145-4:149**
  - privity of contract, **4:148, 4:149**
  - privity of estate, **4:147**
  - release of original tenant, **4:146**
- Effect of valid sublease
  - generally, **4:150-4:153**
  - rights of subtenant, **4:151**
  - subtenant bound by master lease, **4:153**
  - tenant/sublessor remains bound by master lease, **4:152**
- Emergency rent-laws, **10:149, 10:150**
- Enforcement of lease agreements, acceptance of rent from unauthorized assignee, **4:343**
- Estoppel, enforcement limited by, **4:127**
- Express conditions, commercial leases, **4:126**
- Failure to comply with N.Y. Real Prop. Law § 226-b, **4:122**

## INDEX

### SUBLEASES AND ASSIGNMENTS

#### —Cont'd

Financial stability of proposed transferee, **4:136**  
Four or more residential units, buildings with, **10:147, 10:148**  
Future consent not waived by consent to one sublease, **4:130**  
Guaranty clauses, **4:235**  
HP proceedings, **16:235**  
Illegal evictions, **16:386**  
Implied restrictions, commercial leases, **4:124, 4:125**  
Landlord, defined, **2:7**  
Lease agreements, **4:290**  
Licenses, extending prohibitions to, **4:141**  
Lofts, grounds for holdover proceeding, **18:181**  
Manufactured homes, **4:142**  
Misrepresentations in information provided, **4:140**  
**Nonpayment Proceedings** (this index)  
Notice to landlord, residential sublets, **4:120**  
Possession of property, delivery to assignee of tenant, **10:27**  
Posture of landlord on assignments, **2:151**  
Privity of contract, **4:148, 4:149**  
Privity of estate, **4:147**  
Pro tanto assignment, **2:152**  
Protest, acceptance of rent under, **4:129**  
Public housing and co-ops, **4:118**  
Reasonableness of informational request, **10:148**  
Reasonableness of withholding of consent  
generally, **2:146, 2:147, 4:133-4:141**  
burden of proof, **4:134**  
failure to request consent, **4:139**  
financial stability of proposed transferee, **4:136**  
licenses, extending prohibitions to, **4:141**

### SUBLEASES AND ASSIGNMENTS

#### —Cont'd

Reasonableness of withholding of consent—Cont'd  
misrepresentations in information provided, **4:140**  
nature of proposed occupancy, **4:137**  
waiting list, existence of, **4:138**  
Release of original tenant, **4:146**  
**Rent Control and Rent Stabilization** (this index)  
Residential leases, generally, **4:115-4:122, 10:146-10:151**  
Retroactivity, residential sublets, **4:119**  
Statute of frauds, **4:154**  
Sweetheart provisions, **10:150**  
Tenant of landlord, assignee as, **2:150, 2:151**  
Termination of lease, **13:56, 13:69**  
Timing of consent of landlord, residential sublets, **4:121**  
Unconscionability, **10:21**  
Use and occupancy, entitlement to, **2:149**  
Waiting list, existence of, **4:138**  
Waiver, enforcement limited by, **4:127-4:132**  
Warranty of habitability, **14:398, 14:399**  
Yellowstone injunctions, **16:174, 16:176**

### SUBORDINATION CLAUSE

Notice of tenancy to third parties, lease extinguished in foreclosure, **2:78**

### SUBSTANTIAL EVIDENCE

Administrative proceedings, **17:28, 17:29, 17:32**  
Article 78 proceedings, **17:138-17:141, 17:166**

### SUBSTITUTED SERVICE

Article 7-A proceedings, **16:80, 16:81**  
**Nonpayment Proceedings** (this index)

## **SUCCESSION**

Cooperative and condominium occupants, units held by non-purchasing rent-regulated tenants under non-eviction plan, **2:141**

Employer and employee, **3:81**

Government subsidized housing, New York State programs, **19:202**

Lofts, **18:45**

**Rent Control and Rent Stabilization** (this index)

## **SUFFERANCE, TENANCIES AT At-Will or At-Sufferance Tenancies** (this index)

## **SUICIDE**

Premises liability, failure to disclose that property was location of, **12:209**

## **SUMMARY JUDGMENT**

Nonpayment proceedings, **14:405**

## **SUMMARY PROCEEDINGS**

Cooperative and condominium occupants, **2:134**

Guarantor, joinder as party, **4:231**

Guests and lodgers, **3:58**

Illegal evictions, **16:377 et seq.**

Licenses, **3:29**

Lis pendens, **2:82**

**Lofts** (this index)

Nonpayment proceedings, **14:3, 14:22**

Occupancy relationships similar to tenancies, **3:2-3:4**

Petition for administrative review, **17:87**

Possession of property, **10:33, 10:34**

Rent strikes, **16:24**

Squatters and intruders, **3:92, 3:93, 3:96-3:98**

## **SUMMATIONS**

Nonpayment proceedings, **14:461**

## **SUNDAYS**

Nonpayment proceedings, conspicuous-place service, **14:191**

## **SUNDAYS—Cont'd**

Rent and other charges, time for payment, **6:7**

## **SUPERVISION**

Competence of attorney, **1:41**

## **SURCHARGES**

Lofts, rent regulation, **18:102**

## **SURRENDER OF POSSESSION**

Generally, **8:42-8:63**

Authority to surrender possession, **8:50**

Computation of use and occupancy, **8:49**

Condition of premises, **10:62, 10:63, 10:79**

Death of tenant

generally, **8:62-8:66**

expiration of lease, joinder of tenant's estate, **8:66**

holdover proceedings, joinder of tenant's estate, **8:65**

procedure for recovery of possession, **8:64-8:66**

rent-controlled tenancies, **8:63**

Destruction of premises, **8:52**

Double rent, liability for, **8:58**

Expiration of lease, joinder of tenant's estate, **8:66**

Holding over after expiration of term, **8:45, 8:46**

Holdover proceedings, joinder of tenant's estate, **8:65**

Mitigation of damages upon surrender, **8:55-8:57**

Month-to-month tenancies, holding over after expiration of term, **8:46**

Necessary relocation of tenant, **8:54**

Prior to expiration of lease, **8:51, 8:52**

Removal of all occupants, duty, **8:43**

Renewals and extensions, **8:44**

Rent-controlled tenancies, death of tenant, **8:63**

Rent-regulated tenancies, violation of lease terms or statute, **8:60**

## INDEX

### **SURRENDER OF POSSESSION —Cont'd**

- Termination of lease
  - generally, **8:42-8:49, 8:59-8:61**
  - authority to surrender possession, **8:50**
  - computation of use and occupancy, **8:49**
  - holding over after expiration of term, **8:45, 8:46**
  - liability for use and occupancy, **8:47-8:49**
  - month-to-month tenancies, holding over after expiration of term, **8:46**
  - removal of all occupants, duty, **8:43**
  - renewals and extensions, **8:44**
  - rent-regulated tenancies, violation of lease terms or statute, **8:60**
  - rent vs. use and occupancy, **8:48**
  - time periods for termination or surrender pursuant to lease, **8:61**
  - violation of lease terms or statute, **8:59-8:61**
- Time periods for termination or surrender pursuant to lease, **8:61**

### **SWEETHEART PROVISIONS**

- Subleases and assignments, **10:150**

### **TAXES**

- Creation of tenancy, **2:93**
- Property Taxes** (this index)
- Rent and other charges, **4:105**
- Rent control and rent stabilization, **11:80-11:84, 11:136, 11:137, 11:309**
- Single Room Occupancy Units (SROs)** (this index)

### **TENANT, DEFINED**

- Generally, **2:19-2:27**
- HUD tenant, **2:26, 2:27**
- Illusory tenant, **2:21**
- Lessee as tenant, **2:20, 2:21**
- Occupant, distinguished, **2:22**
- Rent-controlled tenant, **2:24**
- Rent-stabilized tenant, **2:25**

### **TENANT, DEFINED—Cont'd**

- Rooming house/hotel resident, **2:23**

### **TENDER OF POSSESSION**

- Possession of Property** (this index)
- Surrender of Possession** (this index)

### **TERMINATION OF LEASE**

- Generally, **13:1 et seq.**
- Abandonment or Early Termination** (this index)
- Access, refusal to provide
  - generally, **13:43, 13:142-13:145**
  - Emergency Tenant Protection Act tenants, **13:143**
  - New York City rent-stabilized tenants, **13:144**
  - rent-controlled tenants, **13:145**
- Adult Care Facilities, Senior Citizens Entering** (this index)
- Agents, **13:9, 13:10**
- Alterations, **13:44-13:48**
- Attorneys, **13:9, 13:10**
- At-will or at-sufferance tenancies
  - generally, **13:30-13:34**
  - contents of notice, **13:34**
  - distinctions, **13:30-13:32**
  - procedure, **13:33**
  - service, **13:33**
- Conditional limitations, **13:4, 13:5**
- Demolition
  - holdover proceeding grounds, **15:47, 15:62**
  - New York City rent-stabilized tenants, **13:136**
  - rent-controlled tenants, **13:137, 15:47, 15:62**
- Department of Housing and Community Renewal certificate of eviction, **13:29**
- Department of Housing and Community Renewal filing
  - generally, **13:25-13:27**
  - Emergency Tenant Protection Act tenants, **13:26**
  - rent-controlled tenants, **13:27**
- Destruction of Premises** (this index)
- Disabled persons, owner occupancy, **13:107, 13:113, 13:116, 13:118**

## TERMINATION OF LEASE

### —Cont'd

Duplicate key, provision to landlord, **13:50**

Early termination. **Abandonment or Early Termination** (this index)

Egregious conduct, **13:93**

Emergency Tenant Protection Act

- access, refusal to provide, **13:143**
- Department of Housing and Community Renewal filing, **13:26**
- non-primary residence, **13:123**
- nonprofit institutions, **13:131**
- notice of nonrenewal, timing of, **13:23**
- notice to cure, **13:15, 13:16**
- owner occupancy, **13:106 et seq.**
- refusal to renew lease, **13:128**
- substantial obligation, violation of, **13:66, 13:67**
- withdrawal of unit from rental market, **13:139**

Emotional support animals, **13:52**

**Government Subsidized housing, New York State Programs** (this index)

Home occupations, New York City, **13:59 et seq.**

HOME Program, **19:119**

Illegal sublets, New York City rent-stabilized tenants, **13:69**

**Immoral or Illegal Use of Occupancy** (this index)

Lease agreements, **4:181, 4:221**

Lease-forfeiture provisions, **13:2-13:5**

Loan programs, New York City, **19:294**

**Loan Programs, Federal** (this index)

Loft tenants, notice to cure, **13:17**

Long-term tenants, owner occupancy, **13:107, 13:113, 13:116, 13:118**

Manufactured home park tenants, **13:71**

**Military Service** (this index)

Month-to-month tenancies

- generally, **13:35-13:39**
- content of notice, **13:37**

## TERMINATION OF LEASE

### —Cont'd

Month-to-month tenancies—Cont'd

- defined, **13:35**
- New York City, procedures, **13:36-13:38**
- procedures, **13:36-13:39**
- service, **13:38**

New York City loft tenants, notice of terminations, **13:21**

New York City rent-stabilization

- access, refusal to provide, **13:144**
- demolition, **13:136**
- non-primary residence, **13:124**
- nonprofit institutions, **13:132, 13:133**
- notice of nonrenewal, timing of, **13:24**
- refusal to renew lease, **13:128**
- substantial obligation, violation of, **13:68, 13:69**
- withdrawal of unit from rental market, **13:140**

Non-primary residence

- Emergency Tenant Protection Act tenants, **13:123**
- evidentiary standard, **13:121, 13:122**
- New York City rent-stabilized tenants, **13:124**
- rent-controlled tenants, **13:125, 13:126**

Nonprofit institutions

- Emergency Tenant Protection Act tenants, **13:131**
- New York City rent-stabilized tenants, **13:132, 13:133**
- rent-controlled units, **13:134**

Non-tenant occupants

- generally, **13:164-13:169**
- alternative theories of recovery, **13:168**
- contents of notice to quit, **13:165-13:168**
- date of termination, **13:166**
- ground and facts in support, **13:167**
- procedure, **13:164**
- service of notice to quit, **13:169**

## INDEX

### TERMINATION OF LEASE

#### —Cont'd

- Notice of nonrenewal
  - generally, **13:22-13:24**
  - Emergency Tenant Protection Act, timing of notice, **13:23**
  - New York City rent-stabilized tenants, timing of notice, **13:24**
- Notice of terminations
  - generally, **13:18-13:21**
  - contents, **13:19**
  - New York City loft tenants, **13:21**
  - rent-regulated tenancies, **13:20, 13:21**
- Notice to cure
  - generally, **13:13-13:17**
  - combined notice to cure and termination notice, **13:15**
  - Emergency Tenant Protection Act, **13:15, 13:16**
  - loft tenants, **13:17**
  - rent-regulated tenancies, **13:14-13:17**
- Nuisance** (this index)
- Objectionable conduct. **Nuisance** (this index)
- Odor, **13:94**
- Officers and other officials, **13:11**
- Owner occupancy
  - Generally, **13:105 et seq.**
  - Emergency Tenant Protection Act units, **13:106 et seq.**
  - maximum two units recovered, **13:110**
  - non-purchasing tenants, **13:108, 13:112, 13:117**
  - procedure, **13:109, 13:114, 13:119**
  - senior citizens, disabled persons, and long-term tenants, **13:107, 13:113, 13:116, 13:118**
- Parties who may terminate lease
  - generally, **13:8-13:11**
  - attorneys or agents, **13:9, 13:10**
  - landlord or tenant, **13:8**
  - officers and other officials, **13:11**
- Pet restrictions, **13:51, 13:52**
- Power of termination, **13:1-13:6**

### TERMINATION OF LEASE

#### —Cont'd

- Procedure for termination, **13:12-13:29**
- Refusal to renew lease
  - Emergency Tenant Protection Act, **13:128**
  - New York City rent-stabilized tenants, **13:128**
  - rent-controlled tenants, **13:129**
- Rent and Other Charges** (this index)
- Rent-control
  - access, refusal to provide, **13:145**
  - demolition, **13:137, 15:47, 15:62**
  - Department of Housing and Community Renewal filing, **13:27**
  - non-primary residence, **13:125, 13:126**
  - nonprofit institutions, **13:134**
  - refusal to renew lease, **13:129**
  - withdrawal of unit from rental market, **13:141**
- Rent-regulated defaults, conditional limitations, **13:5**
- Rent-regulated tenancies
  - generally, **13:5, 13:6, 13:105 et seq.**
  - access, refusal to provide, above
  - demolition, above
  - Emergency Tenant Protection Act, above
  - New York City rent-stabilization, above
  - non-primary residence, above
  - nonprofit institutions, above
  - owner occupancy, above
  - rent-control, above
  - substantial obligation, violation of, **13:65 et seq.**
  - withdrawal of unit from rental market, below
- Roommates, **3:46, 3:47**
- Satellite dishes, **13:48, 13:49**
- Section 8 Housing Program** (this index)
- Security deposit, furnishing of, **13:55**
- Self-help, **13:7**



## TERMINATION OF LEASE

### —Cont'd

- Senior citizens, **2:171, 13:53, 13:107, 13:113, 13:116, 13:118**
- Service
  - generally, **13:28**
  - at-will or at-sufferance tenancies, **13:33**
  - month-to-month tenancies, **13:38**
  - non-tenant occupants, notice to quit, **13:169**
- Structural vs. non-structural alterations, **13:45-13:48**
- Subleases and assignments, **13:56, 13:69**
- Substantial obligation, violation of
  - generally, **13:3, 13:40-13:13:67**
  - access, covenant to provide, **13:43**
  - alterations, **13:44-13:48**
  - duplicate key, provision to landlord, **13:50**
  - Emergency Tenant Protection Act tenants, **13:66, 13:67**
  - emotional support animals, **13:52**
  - express and implied substantial obligations, **13:41**
  - home occupations, New York City, **13:59 et seq.**
  - illegal sublets, New York City rent-stabilized tenants, **13:69**
  - manufactured home park tenants, **13:71**
  - New York City rent-stabilized tenants, **13:68, 13:69**
  - pet restrictions, **13:51, 13:52**
  - rent, payment of, **13:54**
  - rent-controlled tenants, **13:70**
  - rent-regulated tenants, **13:65 et seq.**
  - security deposit, furnishing of, **13:55**
  - structural vs. non-structural alterations, **13:45-13:48**
  - subleases and assignments, **13:56, 13:69**
  - use or occupancy for specified purposes, **13:59 et seq.**
  - washing machine, installation of, **13:63**

## TERMINATION OF LEASE

### —Cont'd

- Surrender of Possession** (this index)
- Washing machine, installation of, **13:63**
- Waste** (this index)
  - “Wholly unusable” premises, **13:64**
- Withdrawal of unit from rental market
  - Emergency Tenant Protection Act units, **13:139**
  - New York City rent-stabilized units, **13:140**
  - rent-controlled units, **13:141**

## TERMINATION OF LICENSE

- Generally, **3:28-3:31**

## TERM OR DURATION OF LEASE OR TENANCY

- Generally, **2:34-2:42, 4:23-4:25, 4:54-4:68**
- Automatic renewal, **4:60**
- Commencement and expiration dates, **4:56-4:64**
- Construction or improvements, commencement upon completion of, **4:57, 4:58**
- County property, statutory limits, **4:66**
- First refusal rights, rule against perpetuities, **4:64**
- Manufactured homes, specified term, **4:25**
- New York City, **2:37, 4:24, 4:55**
- Nonvested rights, rule against perpetuities, **4:62**
- Options and preemptive renewal rights, **4:59, 4:60**
- Options to purchase, rule against perpetuities, **4:63, 4:64**
- Perpetual leases, **2:38**
- Perpetuities, rule against, **4:61-4:64**
- Presumption of periodic tenancy if no term stated, **2:35, 2:36**
- Regulated tenancies may restrict term, **2:39-2:41**
- Religious corporations, statutory limits, **4:68**

## INDEX

### **TERM OR DURATION OF LEASE OR TENANCY—Cont'd**

- Rent control, statutory tenant under,  
**2:41**
- Rent-stabilized leases, **2:40**
- School district property, statutory  
limits, **4:67**
- Statutory limits, **4:65-4:68**
- Statutory tenants, **2:41, 2:42**

### **TERRACES**

- Warranty of habitability, **9:75**

### **TERRORISM INSURANCE COVERAGE**

- Commercial context, **4:204**

### **THEFTS**

- Warranty of habitability, **9:71**

### **THIRD PARTY**

- Holdover proceedings, rent tendered  
pursuant to stipulation, **15:556**
- Nonpayment proceedings, tender of  
rent by, **14:9, 14:446**

### **TIME AND DATE**

- Article 7-A proceedings, service,  
**16:77**
- Article 78 proceedings, service of  
petition, **17:145, 17:146**
- Counseling as to alternatives, **1:128**
- Division of Housing and Community  
Renewal proceedings, time to  
answer, **17:9**
- Fair Debt Collection Practices Act,  
communications, **1:171**
- HP proceedings, correction of viola-  
tions, **16:257, 16:258**
- Lofts (this index)
- Nonpayment Proceedings (this  
index)
- Options, **4:303, 4:312-4:314**
- Petition for Administrative Review  
(this index)
- “Poor person” proceedings, jury  
demand, **16:350**
- Rent and other charges, payment,  
**6:5-6:7**
- Rent Control and Rent Stabiliza-  
tion (this index)

### **TIME AND DATE—Cont'd**

- Statutes of Limitation (this index)
- Term or Duration of Lease or  
Tenancy (this index)

### **TOILETS**

- Rent control and rent stabilization,  
**11:277**

### **TOURIST HOMES**

- Rent control and rent stabilization,  
**11:67, 11:100**

### **TRADE FIXTURES**

- Fixtures (this index)

### **TRANSCRIPTS**

- Holdover proceedings, trial  
transcripts, **15:589**
- Nonpayment proceedings, trial  
transcripts, **14:465**
- “Poor person” proceedings, appeals,  
**16:353**

### **TRANSIENT HOTEL OCCUPANTS**

- Generally, **3:60, 3:62-3:65**

### **TRAVERSE HEARING**

- Nonpayment proceedings, **14:260-  
14:263**

### **TREBLE DAMAGES**

- Article 7-A proceedings, overcharges  
of rent, **16:130**
- Illegal Evictions (this index)
- Lofts, rent regulation, **18:107**
- Possession of property, illegal  
lockouts, **8:39**
- Rent control and rent stabilization,  
**11:198, 11:358-11:365**

### **TRESPASS**

- Environmental liability, **12:161-  
12:165**
- Premises liability, foreseeability,  
**12:6, 12:46**

### **TRUST ACCOUNT**

- Attorneys' fees, deposit of retainer,  
**1:76**

### **TRUSTEE, BANKRUPTCY**

- Bankruptcy (this index)

**TYPE SIZE**

Lease agreements, **4:6**

**TYPES OF TENANCIES**

Generally, **2:95-2:117**

At-will tenancies, **2:110, 2:111**

Automatic stay, tenancies at sufferance, **2:117**

Exclusive right to terminate, at-will tenancies, **2:111**

**Life Estates and Life Occupancies**  
(this index)

Month to month tenancies, **2:107, 2:113**

Periodic tenancies, **2:112-2:114**

Presumptive periodic tenancies, **2:114**

Subtenant as tenant at sufferance, **2:116**

Sufferance, tenancies at, **2:115-2:117**

Unique characteristics, **2:95**

**Years, Estate or Tenancy for** (this index)

**ULTRA VIRES ACTION**

Article 78 proceedings, **17:133**

**UNAUTHORIZED PRACTICE OF LAW**

Competence of attorney, **1:42-1:44**

**UNCONSCIONABILITY**

Generally, **10:12-10:24**

Assignment, waiver of right to make, **10:21**

Bankruptcy, prohibition of filing, **10:23**

Exculpatory clauses, **10:22**

Fiscal imprudence, **10:16**

Liquidated damages, **10:17**

Procedural unconscionability, **10:14**

Rent regulations, waiver of, **10:24**

Security deposit, waiver of right to have held in trust, **10:19**

Sublease, waiver of right to, **10:21**

Substantive unconscionability, **10:15-10:24**

Waiver of statutory rights, **10:18-10:24**

Warranty of habitability, waiver of, **10:20**

**UNDERGROUND STORAGE TANKS**

Strict liability, leakage of petroleum products, **12:106**

**UNDERTAKINGS**

Article 7-A proceedings, **16:136**

Yellowstone injunctions, **16:208-16:210**

**UNIFORM LAND USE PROCEDURES**

Environmental liability, New York City, **12:158**

**URSTADT LAW**

Rent control and rent stabilization, **11:46**

**USE OF PREMISES**

Generally, **4:170-4:177**

Commercial use clauses, **4:172-4:174**

Illegal use, **4:175-4:177**

Liability of landlord for illegal use, **4:176**

Residential use clauses, **4:171**

Subleases and assignments, **2:149**

Waiver, **4:177, 10:128**

**UTILITY CHARGES**

Generally, **4:83-4:91**

Elimination of shared meter, **4:87-4:89**

Future charges, shared meters, **4:91**

Holdover proceedings defense, failure to provide utilities, **15:376**

Identify party liable, **4:84**

Landlord, defined, **2:18**

Legal impediment or extraordinary cost, elimination of shared meter, **4:88**

Manufactured home parks, **4:85**

October 24, 1991, elimination of shared meter on leases in effect on, **4:89**

Shared meters, **4:86-4:91**

Waste, **10:135**

**VACANCY**

**Rent Control and Rent Stabilization** (this index)

## INDEX

### VENTILATION

Warranty of habitability, **9:54**

### VENUE

Article 7-A proceedings, **16:69**  
Holdover proceedings, **15:89-15:91**  
Illegal evictions, **16:399**  
Nonpayment proceedings, **14:12-14:14**  
**Rent Control and Rent Stabilization** (this index)  
Yellowstone injunctions, **16:206**

### VERIFICATION

Answer, **15:380**  
Article 7-A proceedings, **16:464**  
Article 78 proceedings, pleadings, **17:154**  
Attorney verification  
  defects in, **15:459**  
  form, **15:656**  
  petition, **15:293**  
Corporate verification  
  form, **15:654**  
  petition, **15:290**  
Defects in verification  
  generally, **15:457**  
  attorney verification, **15:459**  
  notarial errors, **15:458**  
Form  
  generally, **15:288**  
  attorney verification, **15:656**  
  corporate verification, **15:654**  
  individual verification, **15:653**  
  partnership verification, **15:655**  
Governmental verification of petition, **15:292**  
**Holdover Proceedings** (this index)  
HP proceedings, **16:266, 16:473**  
Illegal evictions, **16:483, 16:484, 16:487, 16:488**  
Individual verification, form, **15:653**  
**Nonpayment Proceedings** (this index)  
Notarial errors, **15:458**  
Partnership verification  
  form, **15:655**  
  petitioner, **15:291**

### VERIFICATION—Cont'd

Petition in holdover proceeding, generally, **15:287-15:293**  
Removal grounds, defective verification, **15:457-15:560**  
Who may verify petition, **15:289-15:293**

### VOUCHER PROGRAM

Section 8 Housing program, **19:11, 19:22, 19:54**

### WAITING LIST

Subleases and assignments, **4:138**

### WAIVER AND ESTOPPEL

Acceptance of rent may waive breach, **4:128**  
Adult care facilities, senior citizens entering, **13:157**  
Article 7-A proceedings, **16:165**  
Attorneys' fees and costs, **4:245**  
Condition of premises, **10:63, 10:81**  
Counseling as to alternatives, pre-termination rent acceptance, **1:133**

### Enforcement of Lease Agreements (this index)

HP proceedings, court fees, **16:271**  
Lead poisoning, **12:91**

### Lease Agreements (this index)

Lofts, rent regulation, **18:106**  
**Nonpayment Proceedings** (this index)

Options, **4:322**

Pet restrictions, **4:194-4:196**

Possession of property, **10:37**

### Premises Liability (this index)

Rent and other charges, time, place, or method of payment, **6:15**

Rent control and rent stabilization, **11:318**

Section 8 Housing program, termination of tenancies, **19:79**

Security deposits, liability upon conveyance of property, **7:65**

Single room occupancy units (SROs), harassment, **18:227**

Subleases and assignments, **4:127, 4:127-4:132**

**WAIVER AND ESTOPPEL—Cont'd**

Unconscionability, **10:18-10:24**

Use of premises, **4:177, 10:128**

**Warranty of Habitability** (this index)

**WAREHOUSE SALE**

Holdover proceedings, sale of goods to satisfy lien, **15:610**

Nonpayment proceedings, sale of goods to satisfy lien, **14:486**

**WAREHOUSE USE**

Maintenance and repairs, tenants in premises formerly used for manufacturing and warehouse purposes protected from harassment, **10:89, 10:90**

**WARNINGS**

Recreational use immunity, **12:196**

**WARRANTS**

**Nonpayment Proceedings** (this index)

**WARRANTY OF HABITABILITY**

Generally, **8:26-8:34, 9:1-9:116, 14:389-14:401**

Abatement of rent, **8:31, 9:107, 14:396**

Air conditioning, **9:35**

Article 7-a proceedings, **9:31, 16:149**

Asbestos, **9:36**

Attorneys' fees, **8:34, 9:114, 14:396**

Bankruptcy trustees, **9:24**

Bed bugs, **9:50**

Breach of warranty, **8:26-8:34**

Burglaries, **9:71**

Buzzers, **9:69**

Carbon-monoxide detectors, **9:37**

Certificate of occupancy, **9:38**

City court jurisdiction, **9:87**

Code violations, evidence, **9:99**

Commercial disputes, **14:400**

Commercial tenants, **9:21, 9:22**

Common areas, **9:39, 9:40**

Common law antecedents, **9:2**

Compensatory damages, **8:32**

Condition of premises, **4:162**

**WARRANTY OF HABITABILITY—Cont'd**

Conditions constituting breach, **9:34-9:78**

Condominium associations and boards of managers, **9:32, 9:33**

Condominium owners, **2:135, 9:19, 9:20, 14:401**

Construction and maintenance, **9:55, 9:58**

Construction by courts, **9:4**

Cooperative apartment corporations, **9:25**

Cooperative shareholders, **2:135, 9:9**

Costs, **9:116**

Counterclaims, **9:92, 9:93, 9:111**

County Court jurisdiction, **9:85**

Creation of tenancy, **2:57-2:59**

Damages, **8:30-8:34, 9:103, 9:104, 9:106-9:113**

Defensive or offensive application, **9:91-9:94**

District court jurisdiction, **9:87**

Doorknobs, **9:41**

Door locks, security, **9:68**

Drug-dealing neighbors, **9:70**

Elevator service, **9:42**

Evidence

generally, **9:98-9:101**

code violations, **9:99**

governmental records, **9:100**

judicial notice, **9:101**

public records, **9:101**

Exclusivity of possession, **2:30**

Exculpatory lease clauses, **9:6**

Expert testimony, **9:104**

Fire detection equipment, **9:43, 9:73**

Floor tiles, **9:44**

Fumes, **9:62**

Garbage, **9:45**

Governmental records, evidence, **9:100**

Government-subsidized housing, **9:10**

Hall carpets, **9:46**

Heat and hot water, **9:47**

Holdover tenants, **9:16, 9:94**

Illumination, **9:48, 9:54**

## INDEX

### WARRANTY OF HABITABILITY

#### —Cont'd

Infestation, **9:49, 9:50**  
Injunctive relief, **9:105**  
Interest, **9:115**  
Judicial construction, **9:4**  
Judicial notice, **9:101**  
Jurisdiction  
    generally, **9:83-9:90**  
    County Court, **9:85**  
    district and city courts, **9:87**  
    Justice Court, **9:88**  
    New York City Civil Court, **9:86**  
    New York City Loft Board, **9:89**  
    State Division of Housing and  
        Community Renewal, **9:90**  
    Supreme Court, **9:84**  
Jury waiver clauses, **9:95**  
Justice Court jurisdiction, **9:88**  
Kitchen cabinets, **9:51**  
Labor disputes and strikes, **9:80**  
Lead-based paint, **9:52**  
Leaks, **9:53, 9:72**  
Lease agreements, **4:183, 4:292**  
Legislative history, **9:3**  
Licensees of tenants, **9:15**  
Lights, **9:48, 9:54**  
Locks, **9:68, 9:69**  
Loft building owners, **9:26**  
Loft tenants, **9:11**  
Maintenance and construction, **9:55**  
Manufactured home park owners and  
    operators, **2:158, 9:27**  
Manufactured home tenants, **2:158,**  
    **9:12**  
Mechanical equipment, noise from,  
    **9:59**  
Misconduct of tenant, **9:79, 14:394,**  
    **14:395**  
Mitigating factors, **9:79, 9:80, 14:393**  
Modification, **9:5-9:7**  
Mold, **9:56**  
Money damages, **9:106-9:113**  
Municipal or governmental lessors,  
    **9:28, 9:29**  
Neighboring tenants, noise from,  
    **9:60**

### WARRANTY OF HABITABILITY

#### —Cont'd

New York City Civil Court jurisdic-  
    tion, **9:86**  
New York City Loft Board jurisdic-  
    tion, **9:89**  
Noise, **9:57-9:61**  
Nominal damages, **9:113**  
**Nonpayment Proceedings** (this  
    index)  
Notice of claim against municipal  
    and governmental landlords,  
    **9:29**  
Notice to landlord, pleadings, **9:97**  
Odors, **9:62**  
Offensive or defensive application,  
    **9:91-9:94**  
Out-of-possession tenants, **9:17, 9:18**  
Package-room service, **9:63**  
Paint and painting, **9:52, 9:64**  
Personal injury, damages for, **9:110,**  
    **9:111**  
Personal property, damages for,  
    **9:109**  
Persons liable  
    generally, **9:23-9:33**  
    Article 7-a administrators, **9:31**  
    bankruptcy trustees, **9:24**  
    condominium associations and  
        boards of managers, **9:32,**  
        **9:33**  
    cooperative apartment corpora-  
        tions, **9:25**  
    loft building owners, **9:26**  
    manufactured home park owners  
        and operators, **9:27**  
    municipal or governmental lessors,  
        **9:28, 9:29**  
    notice of claim against municipal  
        and governmental landlords,  
        **9:29**  
    receivers, **9:30**  
Persons protected  
    generally, **9:8-9:22**  
    commercial tenants, **9:21, 9:22**  
    condominium unit owners, **9:19,**  
        **9:20**  
    cooperative shareholders, **9:9**

## WARRANTY OF HABITABILITY

### —Cont'd

Persons protected—Cont'd  
     government-subsidized housing, **9:10**  
     holdover tenants, **9:16**  
     licensees of tenants, **9:15**  
     loft tenants, **9:11**  
     manufactured home tenants, **9:12**  
     out-of-possession tenants, **9:17**, **9:18**  
     residential tenants and lessees, **9:8-9:14**  
     Section 8 tenants, **9:13**  
     subtenants, **9:14**  
   Pest infestation, **9:49**, **9:50**  
   Pets, noise from, **9:61**  
   Pleadings, **9:96**, **9:97**  
   Plumbing, **9:65**  
   Premises liability, **12:69-12:71**  
   Prior agency determinations, **9:81**  
   Procedure, **9:82-9:101**  
   Public records, evidence, **9:101**  
   Punitive damages, **8:33**, **9:112**, **14:396**  
   Radiator covers, **9:66**  
   Receivers, **9:30**  
   Remedies  
     generally, **8:30-8:34**, **9:102-9:116**, **14:396**  
     abatement of rent, **9:107**  
     attorneys' fees, **9:114**  
     costs, **9:116**  
     counterclaims, personal injury, **9:111**  
     damages, **9:103**, **9:104**, **9:106-9:113**  
     expert testimony, **9:104**  
     injunctive relief, **9:105**  
     interest, **9:115**  
     measurement of damages, **9:103**  
     money damages, **9:106-9:113**  
     nominal damages, **9:113**  
     personal injury, damages for, **9:110**, **9:111**  
     personal property, damages for, **9:109**  
     punitive damages, **9:112**

## WARRANTY OF HABITABILITY

### —Cont'd

Remedies—Cont'd  
     “repair and deduct,” **9:108**  
     severance of counterclaims for personal injuries, **9:111**  
   Rent reduction, **14:396**  
   **Rent Strikes** (this index)  
     “Repair and deduct,” **9:108**  
   Residential tenants and lessees, **8:28**, **9:8-9:14**  
   Section 8 tenants, **9:13**  
   Security, **9:67-9:71**  
   Security deposit, refund upon termination of tenancy, **7:23**  
   Severance of counterclaims for personal injuries, **9:111**  
   Sewage leaks and spills, **9:72**  
   Smoke detectors, **9:73**  
   Snow removal from common areas, **9:40**  
   Soap dishes, **9:74**  
   Standards applicable, **8:29**  
   State Division of Housing and Community Renewal jurisdiction, **9:90**  
   Statute of limitations, **9:82**  
   Stipulations, **9:7**  
   **Strikes. Rent Strikes** (this index)  
   Strikes and labor disputes, **9:80**, **14:395**  
   Subleases, **14:398**, **14:399**  
   Subtenants, **9:14**  
   Supreme Court jurisdiction, **9:84**  
   Terraces, **9:75**  
   Thefts, **9:71**  
   Unconscionability, **10:20**  
   Ventilation, **9:54**  
   Waiver  
     generally, **9:5-9:7**  
     counterclaims, **9:93**  
     jury trial, **9:95**  
     void, **14:390**  
   Water service and leaks, **9:53**, **9:76**  
   Window blinds, **9:77**  
   Window guards, **9:78**



## INDEX

### WASHING MACHINES

- Holdover proceedings grounds, breach of covenant not to install washing machine, **15:30**
- Rent control and rent stabilization, **11:246**
- Termination of lease, **13:63**

### WASTE

- Generally, **10:129-10:138, 13:149-13:153**
- Alterations not prohibited or consistent with intended use, **10:134**
- Consent of landlord to alteration, **10:136**
- Damages, **10:138, 13:151, 13:152**
- Elements of claim, **10:131**
- Environmental liability, **12:166**
- Establishment of waste, **10:131**
- Evidence, **13:153**
- Forfeiture, **13:151, 13:152**
- Insurance payments, failure to pay, **10:135**
- Lease provision, violation of, **13:150**
- Life tenant, compliance with statutory requirements, **10:134**
- Mortgage payments, failure to pay, **10:135**
- Nonpayment as waste, **10:135**
- Procedure for termination of lease, **13:152**
- Property taxes, failure to pay, **10:135**
- Standing, **10:137, 10:138**
- Utility payments, failure to pay, **10:135**

### WATER POLLUTION CONTROL ACT

- Generally, **12:142-12:146**
- Discharge of pollutant, defined, **12:143**
- Liability, **12:144-12:146**
- Penalties, **12:146**
- Strict liability, **12:145**

### WATERPROOFING

- Rent control and rent stabilization, **11:276**

### WATER SERVICE AND LEAKS

- Warranty of habitability, **9:53, 9:76**

### WHOLE RECORD

- Article 78 proceedings, **17:139**

### WIFE AND HUSBAND

- Spouses (this index)

### WILLIAMS CONSENT JUDGMENT

- Section 8 Housing Program (this index)

### WINDOW BLINDS

- Warranty of habitability, **9:77**

### WINDOW GUARDS

- Generally, **12:112-12:115**
- Annual notice to tenants, **12:114**
- Cooperation of tenants, **12:114**
- Penalties for violation, **12:115**
- Rent control and rent stabilization, **11:247**
- Resident of apartment unit, child as, **12:113**
- Warranty of habitability, **9:78**

### WINDOWS

- Rent control and rent stabilization, **11:278-11:282**

### WITHDRAWAL OF UNIT FROM MARKET

- Holdover Proceedings (this index)
- Rent Control and Rent Stabilization (this index)
- Termination of Lease (this index)

### WITHHOLDING OF RENTS

- Article 7-A proceedings, **16:65, 16:66**
- Condition of premises, **10:74**

### WITNESS FEES

- “Poor person” proceedings, **16:351**

### WRITTEN AGREEMENT

- Lease Agreements (this index)

### YEARS, ESTATE OR TENANCY FOR

- Generally, **2:105-2:109**
- Certainty of term, **2:106, 2:107**
- Expiration on stated date, not upon tenant’s death, **2:108, 2:109**

**YEARS, ESTATE OR TENANCY  
FOR—Cont'd**

- One month tenancy vs. month to month tenancy, **2:107**
- Rent controlled tenancy may convert to periodic tenancy after stated term, **2:109**

**YELLOWSTONE INJUNCTIONS**

- Generally, **16:171-16:220**
- Ability of tenant to cure defaults, **16:188-16:190**
- Assignees, **16:174**
- Commercial holdover affords no post-judgment cure, **16:196**
- Conditions imposed by court, **16:207-16:212**
- Content of notice of default, **16:181**
- Demand for rent, **16:192-16:194**
- Denial of injunction, consequences of, **16:213, 16:214**
- Desire of tenant to cure defaults, **16:188-16:190**
- Ejectment actions, post-judgment cure applies to, **16:218**
- Elements, **16:178-16:182**
- Expiration of curative period, **16:185-16:187**
- Extension of notice of cure, **16:182**
- Forms
  - affidavit in support of relief, **16:466**
  - order to show cause, **16:465**
  - summons, **16:467**
  - verification (corporate), **16:470**
  - verification (individual), **16:469**
  - verified complaint, **16:468**
- Historical overview, **16:172**
- Incurable default, **16:183**
- Jurisdiction, Supreme Court, **16:205**
- Multiple notices to cure, **16:215**
- New York City residential tenants
  - generally, **16:216-16:220**
  - application of statute, **16:217**
  - ejectment actions, post-judgment cure applies to, **16:218**
  - residential tenant may still move for Yellowstone relief, **16:219, 16:220**

**YELLOWSTONE INJUNCTIONS  
—Cont'd**

- Nonpayment of rent
    - generally, **16:191-16:200**
    - commercial holdover affords no post-judgment cure, **16:196**
    - conditional limitation enforceable within commercial context, **16:197, 16:198**
    - conditional limitation unenforceable within residential context, **16:199, 16:200**
    - demand for rent, **16:192-16:194**
    - post-judgment cure and adequate remedy at law, **16:193, 16:194**
    - service of notice to cure as predicate to holdover, **16:195-16:200**
  - Notice of default has issued, **16:180-16:183**
  - Papers in support of motion, **16:202**
  - Parties who may seek relief, **16:173-16:176**
  - Personal service of application, **16:204**
  - Post-judgment cure and adequate remedy at law, **16:193, 16:194**
  - Procedure, **16:201-16:206**
  - Residential tenants, **16:175**
  - Res judicata, denial of injunction, **16:214**
  - Service of application, **16:203-16:205**
  - Service of notice to cure as predicate to holdover, **16:195-16:200**
  - Standards applicable, **16:177-16:190**
  - Sublessors and sublessees, **16:176**
  - Timeliness of application, **16:184-16:190**
  - Undertakings, **16:208-16:210**
  - Use and occupancy, payment of, **16:211, 16:212**
  - Validity of lease, **16:179**
  - Venue, **16:206**
- ZONING**
- Generally, **5:189-5:191**
  - Action by developers, **5:204**

## INDEX

### ZONING—Cont'd

- Balance required within municipality as a whole, **5:190**
- Civil Rights Act of 1866, **5:56**
- Exclusionary zoning, **5:189-5:191**
- Fair Housing Act, exclusionary zoning, **5:36**

### ZONING—Cont'd

- Family or marital status discrimination, exclusionary zoning, **5:160**
- Human Rights Law (NY), exclusionary zoning, **5:82**
- Test for determining validity of zoning ordinance, **5:191**